

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13757 of 2016

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M/s Patel Brothers, A proprietorship firm having its office at 266/3, Phase-II, GIDC, Wadwan City, P.S. B. Division, District Surendranagar, Gujarat through its Proprietor Atul Patel son of Late Narsibhai Patel, Resident of "Sankalp", Opposite Umayya Nagar Society, behind Grid Power House, P.S. B. Division, District- Surendra Nagar, Gujarat.

.... Petitioner

Versus

1. The North Bihar Power Distribution Company Ltd., Patna, Bihar, a Government of Bihar undertaking (NBPDCCL for the sake of brevity hereinafter), having its registered office Vidyut Bhawan, Bailey Raod, Patna through its Chairman.
2. The Director (Finance), North Bihar Power Distribution Company Ltd., Patna, Bihar, having its office Vidyut Bhawan, Bailey Raod, Patna.
3. The Chief Engineer, Department of Store and Purchase, North Bihar Power Distribution Company Ltd., Patna, Bihar, having its office Vidyut Bhawan, Bailey Raod, Patna.
4. The Electrical Superintending Engineer, Department of Store and Purchase, North Bihar Power Distribution Company Ltd., Patna, Bihar, having its office Vidyut Bhawan, Bailey Raod, Patna.
5. The Chief Engineer (Planning), Department of Planning, North Bihar Power Distribution Company Ltd., Patna, Bihar, having its office Vidyut Bhawan, Bailey Raod, Patna.
6. The South Bihar Power Distribution Company Ltd., (SBPDCL for the sake of brevity hereinafter), Patna, Bihar, a Government of Bihar undertaking, having its registered office Vidyut Bhawan, Bailey Raod, Patna through its Chairman.

.... Respondent

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Appearance :

For the Petitioner : Mr. Arjun Kumar, Advocate.

For the Respondents : Mr. Vinay Kirti Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-11-2017

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs:



“(i) For quashing the “cancellation notice of P.O. No. 30 dated 18.03.2015” issued vide Memo No. 887 dated 05.05.2015 to the petitioner whereby and whereunder the supply of balance of 1.60 Lac numbers Patented Polycarbonate Transparent Seal Bit along with Stainless Steel Sealing Wires (Seal Bit for the sake of brevity hereinafter) has been cancelled by the respondent nos. 1 to 5 in utter violation of natural justice and laws of the land.

(ii) For the direction to the respondent nos. 1 to 5 to accept the supply of balance of 1.60 lac numbers of Seal Bit and after the acceptance of the same to release the consideration amount of the same as per the purchase order in favour of the petitioner.

(ii) For the issuance of any other appropriate writ(s)/ Order(s)/direction(s) for which the petitioner is found entitled for in the present facts and circumstance of the case.”

2. Learned counsel for the petitioner makes a short submission to assail the impugned order dated 05.05.2015 to the effect that the same has been passed without grant of opportunity of hearing to the petitioner.

3. Learned counsel for the respondent-Power Company appears and has been heard.

4. A perusal of the impugned order does not indicate that any opportunity of hearing was granted to the petitioner rather the same prima facie appears to be a non-speaking order. No counter affidavit has also been filed by the respondents in order to controvert



the stand of the petitioner, despite more than a year having elapsed since the writ petition was filed.

5. Accordingly, the order of cancellation as contained in Memo No. 887 dated 05.05.2015 (Annexure-12) is hereby quashed and the writ petition stands allowed.

6. Needless to say, the respondent would be at liberty to pass orders afresh after grant of opportunity of hearing to the petitioner in accordance with law.

Md. Ibrarul/BT

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	29.11.2017
Transmission Date	N.A.

