

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.367 of 2016

In

Civil Writ Jurisdiction Case No.14949 of 2015

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1. The State Of Bihar
 2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna
 3. The Under Secretary, Water Resources Department, Government of Bihar, Patna
 4. The Engineer-in- Chief (North), Water Resources Department, Government of Bihar, Patna
 5. the Chief Engineer, Water Resources Department, Siwan
 6. The Superintending Engineer, Flood Control Circle, Gopalganj
 7. The Executive Engineer, Flood Control Division, Thakraha Camp, Gopalganj

... .. Appellant/s

Versus

Dharti Dredging and Infrastructure Ltd. having its registered and Corporation office at 6-3-111 3/2 DDIL Bhawan, B.S. Maktha, Begumpet, Hyderabad through its authorized representative Sri Laxmikant Panda, son of R.N.Panda, resident of 14, Surya Nagar, Kaushlya Enclave, Tirumalgiri, Secundrabad, P.S. Tirumalgiri, District Ranga Reddy, present working as Executive Director of the Company

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vikash Kumar
For the Respondent/s	:	Mr. Sandeep Kumar
		Mr Abhishek Kumar

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 15-11-2017

I. A. No.1532 of 2016 is a petition for condonation of delay of 26 days. We are satisfied with the reasons so indicated in the condonation application. The delay is condoned. I. A. stands allowed.



The matter is thereafter taken up on merits.

Submission of the counsel for the appellant State seems to be correct that the question of blacklisting of a firm cannot be a subject matter of adjudication by the forum known as Public Works Contracts Disputes Arbitration Tribunal.

Since the law is well settled that the courts cannot create jurisdiction nor can such matter be subject matter of adjudication in an arbitration, the appeal is allowed. The order of the learned Single Judge to keep the blacklisting issue in abeyance till the arbitration proceeding is decided is set aside. Liberty, however, is granted to the respondent to assail the order of blacklisting as an independent cause.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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