

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.457 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 14949 of 2015

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S. S. Electogrip Products Pvt. Ltd., Orbit House, 1st Floor, Garstin Place, Kolkata-700001 (W.B.) through its Marketing Executive namely Abhijit Bhattacharya, son of Sri Deb Prasad Bhattacharya S.S. Electogrip Products Pvt. Ltd. Orbit House, 1st Floor, Garstine Place, P.S.- Lal Bazar, Kolkata- 700001 (W.B.)

.... Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Under Secretary, Water Resources Department, Govt. 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.
8. Dharti Dredging and Infrastructure Ltd. having its registered and Corporate Office at 6-3-1113/2 DDIL Bhawan, B.S. Maktha, Begumpet, Hyderabad, through its authorized representative Sri Laxmikanta Panda son of R.N. Panda Resident of - 14, Surya Nagar, Kaushlya Enclave, Tirumalgiri, Secundrabad, P.S. - Tirumalgiri, District - Ranga Reddy, presently working as Executive Director of the Company.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Nityanand Mishra, Advocate
For the State	:	Mr. Prabhat Kumar Verma, AAG-3 Mr. S.K.Sharma, AC to AAG-3 Mr. Sandip Kumar, Advocate
For Pvt. Respondent	:	Mr. Alok Kumar @ Alope Kr. Shahi, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 20-02-2017

The present Letters Patent Appeal is directed against an order passed by a learned Single Bench of this Court on 07.12.2015 whereby the writ application filed by one Dharti Dredging and Infrastructure Ltd. was disposed of and the writ applicant was relegated to seek remedy from the Tribunal under the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008 (for short, 'The Act').



The grievance of the appellant is that the appellant is also a tenderer for dredging work whereas, the writ applicant was blacklisted. This Court has ordered that the order of blacklisting be kept in abeyance so as to allow the writ applicant to avail the remedy under the Act for resolution of the dispute through arbitration, thus causing irreparable loss to the appellant, as it is next higher bidder.

Mere fact that the appellant is also a tenderer does not give any right to dispute the order passed of the blacklisting of a particular tenderer. Such action does not give any cause of action to the other bidders. The blacklisting is an issue between the contractor and the State and the non-contracting party has no right to dispute such blacklisting process.

In view thereof, we do not find any merit in the present Letters Patent Appeal. The same is, thus, dismissed.

(Hemant Gupta, ACJ.)

S.Pandey/-

(Sudhir Singh, J.)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2017
Transmission Date	

