

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13986 of 2015

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Rajiv Kumar son of Sri Rameshwar Prasad Singh, Resident of village + Post-Sihma, P.S.- Matihani, District- Begusarai

.... Petitioner/s

Versus

1. Bihar State Food & Civil Supply Corporation Ltd., Sone Bhawan, 5th Floor, Bir Chand Patel Path, Patna- 800001 through its Managing Director
2. The Managing Director, Bihar State Food & Civil Supply Corporation Ltd., Sone Bhawan, 5th Floor, Bir Chand Patel Path, Patna- 800001
3. The Chief of Procurement, Bihar State Food & Civil Supply Corporation Ltd., Sone Bhawan, 5th Floor, Bir Chand Patel Path, Patna- 800001
4. Head of Finance, Bihar State Food & Civil Supply Corporation Ltd., Sone Bhawan, 5th Floor, Bir Chand Patel Path, Patna- 800001
5. The District Magistrate, Bihar State Food & Civil Supply Corporation Ltd., Samastipur
6. The District Magistrate, Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kr., Adv.

For the Corporation/s : Mr. Aditya Prakash Sahay, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-01-2017

Heard learned counsel for the parties.

This case can be disposed of only on the limited issue of blacklisting the petitioner without fixing any period. From the order impugned, it was found by the competent authority that the petitioner while discharging the work of transportation had committed illegality and, pursuant to that, both the parties have filed their respective criminal cases against each other which are pending before the competent criminal courts but, in the meantime, the authority concerned considered the matter on merit and, prima facie, on the basis of preponderance of material, found that the petitioner was indulged in unfair practice. On that ground, the petitioner has been blacklisted without fixing any period.



In view of the judgment in the case of *M/s Kulja Industries Limited Vs. Chief Gen. Manager, W.T. Proj. BSNL & Ors.* reported in *2013(4)PLJR SC 447* wherein the Hon'ble Apex Court has said that any industry or the establishment cannot be blacklisted forever without providing any period but, the authority, while blacklisting, should mention the period during which the industry will be treated to have been blacklisted.

In the present case, this Court cannot act as an appellate court, whatever findings have been recorded by the authority concerned will not be looked into unless findings are perverse based on no evidence but, in view of the aforesaid decision, the authority should fix the period for treating the present petition in the category of blacklisted establishment. Only for the limited ground, the matter is remanded back to the authority concerned and the criminal case as well as the arbitration, as has been submitted by the petitioner that are pending before the competent authority, will be decided on its own merit without being influenced by any findings in the order passed by any authority while deciding the issue of blacklisting the petitioner.

With the aforementioned observation, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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