

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20032 of 2016

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M/s Daffodills Pharmaceuticals Ltd. through its Director Prateek, son of Shri Narendra Choudhary, resident of 770/1, Sotiganj, Meerut (UP).

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary to the Government, Department of Health, Family Welfare and Medical Education, Government of Bihar, Patna.
2. The Bihar Medical Services and Infrastructural Corporation Limited, 5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna through its Managing Director.
3. The Managing Director, Bihar Medical Services and Infrastructural Corporation Limited, 5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna.
4. The Chief General Manager (Supply Chain), Bihar Medical Services and Infrastructural Corporation Limited, 5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar Mishra, Advocate.
For the State	:	Mr. Shakib Ayaz, AC to GP-12
For the BMSIC	:	Mr. Lalit Kishore, Sr. Advocate.
		Mr. Prabhat Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-11-2017

The present writ petition has been filed for the following

reliefs:

- “(i) For issuance of appropriate writ/writs, order/orders, direction/directions against the letter No. BMSIC/40020/4-2016/2914 dated 07.12.2016 whereby and whereunder the work order of BMSIC/DRUGS/15-04 was made invalid and in tender no. BMSIC/DRUGS/1505 the department has decided not to open the financial bid.*
- (ii) For a direction upon the respondent authorities to*



enforce the order dated 22.08.2016 passed in C.W.J.C. No. 11750 of 2016 in true spirit.

(iii) For issuance of an appropriate writ in the nature of mandamus commanding the respondent authorities to allow the petitioner to remain in existence in tender no. BMSIC/DRUGS/1601.

(iv) For issuance of an appropriate writ in the nature of mandamus commanding the respondent authorities to revive the supply order of the petitioner pursuant to BMSIC/DRUGS/15-04 which was kept in abeyance vide letter no. 403 dated 10.05.2016.

(v) For a direction for consequential reliefs asking the respondent authorities to open the financial bid in tender no. BMSIC/DRUGS/15-05.

(vi) For any other appropriate relief or reliefs to which the petitioner may be deemed entitled to.”

2. At the very outset, Mr. Lalit Kishore, learned Senior Counsel appearing on behalf of the respondents raises a preliminary objection to the effect that the present writ petition is not maintainable as the reliefs sought herein already stand concluded in terms of the order dated 22.08.2016 passed in the earlier round of litigation in C.W.J.C. No. 11750 of 2016 and the petitioner is barred from raising the issues over again on the principles of *res-judicata*. It is further submitted that as regards the impugned order dated 07.12.2016, the same has become infructuous as the relevant supply was contemplated for a period of one year which is now almost nearing to an end and the



supply order has been awarded to a third party.

3. Learned counsel for the petitioner Mr. Sanjeev Kumar Mishra fairly accepts that the supply is now being made by a third party and the period of supply would come to an end in December, 2017.

4. In the above circumstances, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul /Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.11.2017
Transmission Date	N.A.

