

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17025 of 2015

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M/s. Alok Enterprises, Bhopalika House, Vishnu Place Lane, East Boring Canal Road, P.S. Buddha Colony, Town & District - Patna, through its Proprietor, Mahabir Prasad Agrawal, Son of Late Manna Lal Agrawal, Resident of Bhopalika House, East Boring Canal Road, P.S. Buddha Colony, Dist.-Patna

.... Petitioner

Versus

1. The Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Chairman-cum-Managing Director
2. The South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Managing Director
3. The Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna
4. The General Manager-cum-Chief Engineer, Bhagalpur Electric Supply Area, Bhagalpur
5. The Chief Engineer (Store & Purchase), South Bihar Power Distribution Company Limited, Vidyut Bhaan, Bailey Road, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Suraj Samdarshi
Mr. Sumit Kr. Jha, Advocates

For the Respondents : Mr. A.K. Ojha,
Mr. Ashok Kr. Karn, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-06-2018

Heard learned counsel for the petitioner as well as learned counsel for the respondent-Bihar State Power (Holding) Company Limited.

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

“(i) For a direction to the respondent authorities to lift the blacklisting, period whereof has already expired but the respondents are not considering the representation of the petitioner with regard to certain uncompleted transactions prior to blacklisting, in view



of the blacklisting order itself.

(ii) For a direction to the respondent authorities to either return the goods supplied prior to blacklisting, consideration whereof was not paid to the petitioner, or alternatively make payment thereof, in pursuance of the purchase order no. 24 dated 29.3.2006.

(iii) For a direction to the respondent authorities to make payment of the outstanding amount for the goods supplied in pursuance of the purchase order no. 12 dated 16.5.2000 which has been withheld, despite sanction on account of the order of blacklisting, period whereof is already over.

(iv) For a direction to the respondent authorities to refund the earnest money of Rs. 50,000/- deposited by the petitioner vide money receipt no. 289112 dated 27.11.1998; and for any other relief or reliefs to which the petitioner is found entitled.”

3. At the very outset, this Court takes note that the petitioner is agitating its grievances against non-payment of its dues relating to purchase order issued in the years 2000 and 2006 and for refund of its earnest money deposited in the year 1998. It is also noted that the order of blacklisting was passed on 21.07.2006 for a period of five years which expired as far back as in 2011 itself.

4. Learned counsel for the petitioner is unable to explain the inordinate delay and laches in approaching this Court for the relief. If the blacklisting order was illegally being resorted to in order to withhold payment in relation to the supplies already made



by the petitioner, there was no impediment in the way of the petitioner in approaching this Court at the appropriate time.

5. It is well settled that mere repeated filing of representations before the authorities cannot be sufficient ground for explaining the delay. Even the blacklisting order dated 21.07.2006 ceased to operate after expiry of five years thereof, the petitioner did not approach this Court and waited another four years thereafter before filing of the present writ petition on 21.09.2015.

6. In view of the delay and laches on the part of the petitioner this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

7. Needless to say, the petitioner shall be at liberty to pursue the representation said to be pending before the authorities, in particular the last representation dated 29.09.2014 filed before the Chairman-cum-Managing Director, Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna (respondent no. 1).

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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