

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1183 of 2018

In
Civil Writ Jurisdiction Case No.15155 of 2018

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M/s Gujral Roadways Pvt. Ltd., a Company Incorporated Under the provisions of the Companies Act. 1956 and Having its registered Office at City Centre, Debhog, Haldia, East Midnapore West Bengal-721 657 and Carrying on its Business at 13, Ho Chi Minh Sarani Kolkata-700 071, through its Manager Operations Debdulal Talukdar, Son of Late Manabendra Talukdar, Working For Gain at 13, Ho Chi Min Sarani, Kolkata-700 071.

... .. Appellant/s

Versus

1. The State of Bihar through its Principal Secretary, Transport Department Having its Office at Vishwessaraia BHawan, Bailey Road Patna-800015. Govt. of Bihar, OLd Secretariat, Patna.
2. Bharat Petroleum Corporation Limited, a Public Sector Company Incorporated Under the Provisions of the Companies Act, 1956 Having its registered Office at BHawan 4 and 6 Currimbhoy Road Ballard Estate, Mumbai-400 001 Carrying of Business From its State headquarters Situating at Old Jakkanpur, Raja ji Salai, Indira Nagar, Patna, Bihar 800 001 through Chairman,
3. Hindustan Petroleum Corporation Limited, a Public Sctor Company Incorporated Under the Provisions of the Companies Act. 1956 Having its Registered Office at Petroleum House 17, Jamshedji Tata Road, Mumbai-400 020 Maharastra, Inida Carrying on its Business From its State Headquarters Situating at 6th Floor, Lok Nayak Jai Prakash Bhavan, Dak Bungalow Chowk, Patna, Bihar 800 001 through its Chairman.
4. The Union of India through its Secretary, Ministry of Road Transport & Highways, Delhi.
5. The Union of India through its secretary, Ministry of Oil and Natural Gas, Delhi.
6. The Indian Oil Corporation, a Public Sector Company, Having its registered Officer at Indian Oil BHawan, 9 Ali Yavar Jung Marg, Bandra, (East) Mumbai-400051-Having its Officer at Shahi BHawan, 1st Floor, Exhibition Road, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Joy Saha, Sr. Advocate Mr. Mrigank Mauli, Advocate Mr. Ajay Gaggar, Advocate Mr. S.D. Sanjay, A.S.G.
For Union of India	:	Mr. Kanak Verma, C.G.C.
For B.P.C.L.	:	Mr. S. D. Sanjay, Sr. Advocate Mr. Siddhardha Prasad, Advocate Mr. Om Prakash Kumar, Advocate
For I.O.C.L.	:	Mr. Anil Kr. Sinha, Advocate Mr. Amlesh Kr. Verma, Advocate Mr. Ankit Katriar, Advocate
For H.P.C.L.	:	Dr. Pankaj, Advocate
For State	:	Mr. Rohitabh Das, A.C. to A.A.G. 10



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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-09-2018

What is challenged in the present Letters Patent Appeal is the impugned order passed by the learned Single Judge on 08.08.2018 in C.W.J.C. No. 15155 of 2018 by which the learned Single Judge has passed an order that any outcome of the tender shall be subject to the result of the writ application, but will not preclude the respondents from proceeding further with regard to the said tender, meaning thereby, no stay has been granted against the respondents from proceeding further with the tender notices.

It is not in dispute and it cannot be disputed that as such the matter is at large before the learned Single Judge.

The tender is for transportation/supply of L.P.G. in the State of Bihar. Whether, the transportation/supply of L.P.G. is with respect to the Central Government Scheme known as Ujjwala Yojana or not is disputed by the learned Counsel appearing on behalf of the original petitioner. However, that is not the subject matter at present or even in the main writ petition also whether the supply of L.P.G. is for Ujjwala Yojana or for some other purpose. Under the circumstances of the case, and more particularly when



the tenders are invited for transportation/supply of L.P.G., it cannot be said that learned Single Judge has committed any error in not granting stay against the respondents from proceeding further with regard to the tender.

Learned Single Judge has observed that any tender shall be subject to the result of the writ application. Thus, even learned Single Judge tried to protect the interest of the original writ petitioner also.

Under the circumstances, the present Letters Patent Appeal is not entertained.

However, we request the learned Single Judge, before whom the main writ petition shall be placed for admission hearing and/or further hearing, to pass an appropriate order in accordance with law and on merits at the earliest and preferably within 4 weeks from today. If any of the original respondents have not filed any counter, including the State of Bihar, in that case, the pleadings can be completed within a period of 2 weeks from today.

Learned State Counsel has stated at the Bar that the counter on behalf of the State in the main writ petition shall be filed within a period of one week from today, with a copy to the learned Counsel appearing on behalf of the petitioner.



With this, the present Letters Patent Appeal stands disposed of.

It is observed that, in fact, we have not entered into the merits of the case or expressed anything on merits in favour of either parties.

I.A. stands disposed of.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

K.C.Jha/Uma/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.09.2018
Transmission Date	N/A

