

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1932 of 2017**

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Lakshmi Wheat Products Private Ltd. 2<sup>nd</sup> Sector, Industrial Area, Harput  
Alloth, District – Samastipur through its Managing Director Anita Agarwal,  
W/o Late Arun Kumar Agarwal, Resident of Village- Ujiyarpur, P.S.-  
Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The Bihar State Ware-House Corporation through its Managing Director, B-2, First Floor, Mauryalok Complex, Patna.
2. The Managing Director, B-2, First Floor, Mauryalok Complex, Patna Bihar State Ware-House Corporation.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Raj Kamal, Advocate  
For the Respondent/s : Mr. Mithilesh Kumar Rai

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL JUDGMENT**

**Date : 20-05-2019**

Heard Mr. Raj Kamal, learned counsel for the  
  
petitioner and Mr. Mithilesh Kumar Rai, learned counsel for  
  
the Bihar State Ware-House Corporation.

2. The petitioner has challenged the order dated  
  
29.12.2016 whereby his application for registration as  
  
Transportation-cum-Handling Agent of the Corporation has  
  
been rejected for paucity of necessary documents which  
  
were required to be furnished along with the application for  
  
such registration.



3. Learned counsel for the petitioner has submitted that three documents which is stated to be deficit in the application of the petitioner are (i) the certificate of property, (ii) character certificate of the concerned partner and the (iii) resolution of the company.

4. It has been submitted that in the counter affidavit only, the respondent corporation has annexed the property certificate as well as the character certificate of the concerned persons/organization and if resolution of the company was required, the petitioner ought to have been asked for the same.

5. It is the further case of the petitioner that the check list of the documents, which were required to be provided along with the application for registration, does not contain "resolution of the company". Despite this, if the petitioner would have been asked for the same, he would have provided it within time. With the aforesaid decision of the respondent corporation, the petitioner could not participate in the tender process for selection as



Transportation-cum-Handling Agent of the Bihar State Ware-House Corporation.

6. An Interlocutory Application No. 1 of 2019 also has been filed for permitting the petitioner to participate in the tender process. However, with the passage of time, the tender process has been completed and Transportation-cum-Handling Agent has already been selected.

7. Nonetheless, the petitioner concerned ought to be registered, if it has all the documents which is required for such registration.

8. Mr. Mithilesh Kumar Rai, learned counsel for the Bihar State Ware-House Corporation however has submitted that the order passed by the Managing Director of Bihar State Ware-House Corporation is an appealable order and the appeal could have been preferred by the petitioner before the Chairman of the Bihar State Ware-House Corporation.

9. Under the aforesaid circumstances, the petitioner is directed to prefer an appeal against the



communication dated 29.12.2016, turning down the request of the petitioner for registration of his firm viz. Lakshmi Wheat Products Private Limited for the purposes of selection of the aforesaid firm as Transportation-cum-Handling Agent for the Bihar State Ware-House Corporation. On receipt of such appeal, the Chairman of the Corporation shall pass necessary order in accordance with law within a period of four weeks of the receipt of such appeal but definitely before any further tender is advertised for selection of Transportation-cum-Handling Agent.

10. With the aforesaid direction/observation, the writ petition is disposed of.

**(Ashutosh Kumar, J)**

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