

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24570 of 2018

=====

M/s B N C Power Projects Limited, registered office at Plot No.67, Shivaji co-op Housing Society Ltd, Senapati Bapat Road, Pune, Maharashtra, India, Through its Authorized Signatory Mukesh Gopal Warke, aged about 38 years, Son of Gopal Tukaram Warke, R/o village Gojre, Kurha Road, P.S. Taluka, District-Jalgaon, Maharashtra - 425311.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Energy, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Energy, Govt. of Bihar, Patna.
3. Bihar State Power Holding Company Limited through its Chairman cum Managing Director, Vidyut Bhawan, Patna.
4. The Chairman-cum-Managing Director, Bihar State Power Holding Company Limited, Vidyut Bhawan, Patna
5. Chief Engineer (Project-II), Bihar State Power Transmission Company Ltd, Vidyut Bhawan, Bailey Road, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Naresh Dixit, Adv.
For the State (R.Nos.1 and2):	:	Mr. Ravish Chandra, AC to SC 6.
For the Power Compnay	:	Mr. Anand Kumar Ojha, Adv.
For the Respondent Nos.3to5:	:	Mr.A.K.Karn, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-03-2019 After hearing Mr. Naresh Dixit, learned counsel representing the petitioner and Mr. Anand Kumar Ojha, learned counsel representing the respondents what has finally transpired is that it is a case in which the petitioner has been debarred/blacklisted for a period of two years because the petitioner had indulged in submitting certain forged documents, i.e., performance certificate in order to gain the contract. No ground of violation of principles of natural justice has been made out in course of hearing. The only plea which has been taken by Mr. Dixit is that the case of the petitioner may be considered on the quantum aspect of the punishment.



Learned counsel submits that the petitioner has already suffered for a period of more than one year by now. The civil consequences have already followed and while debarring the petitioner, the respondents have also forfeited the earnest money which is also a kind of suffering for the petitioner. The submission is that taking into consideration the totality of the circumstances, the Chairman-cum-Managing Director, Bihar State Power Holding Company Limited may be directed to take a lenient view of the matter.

The Court has been pointed out that the petitioner has made a representation in this respect to the Chairman-cum-Managing Director, Bihar State Power Holding Company Limited vide Annexure '5' to the writ application.

At this Stage, Mr. Ojha, learned counsel for the respondents submits that instead of taking any view on the plea being taken by the petitioner it would be only just and proper that it should be left open to be considered by the Chairman-cum-Managing Director of the respondent company to look into this aspect of the matter. He has, however, opposed the writ application by submitting that in the nature of allegations where there is no dispute that the petitioner had submitted a forged document the respondents have rightly debarred the petitioner for a period of two years.

Be that as it may, taking note of the aforesaid submissions this Court would direct the Chairman-cum-Managing Director (respondent no.4) to look into the request of the petitioner as



contained in Annexure '5' to the writ application and take an independent view of the matter in the facts and circumstances of the case. This Court is not considering the case on merit and it is left open for the respondent no.4.

The writ application stands disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

U			
---	--	--	--

