

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19514 of 2016**

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M/s Laborate Pharmaceuticals India Limited having its registered office at E - 11, Industrial Area, Panipat, Haryana through its Manager Legal and authorized signatory Hemant Mehta S/o M.L. Mehta R/o 50-R, Model Town, Panipat.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Commissioner-cum-Principal Secretary, Department of Health, Vikash Bhawan, New Secretariat, Government of Bihar, Patna
2. The Bihar Medical Services and Infrastructure Corporation Limited, 5th Floor BISCOMAUN Bhawan, Gandhi Maidan, Patna through its Managing Director
3. The Managing Director, Bihar Medical Services And Infrastructure Corporation Limited, 5th Floor, BISCOMAUN Bhawan, Gandhi Maidan, Patna through its Managing Director

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Chitranjan Sinha, Sr. advocate  
For the State : Mr. Ramadhar Singh-GP25  
For the respondent No. 2 and 3: Mr. Lalit Kishore, Sr. advocate  
Mr. Vikash Kumar, advocate

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

8      07-01-2021                      Heard both sides.

The petitioner filed this writ petition for quashing the order dated 23.06.2016 bearing file No. BMSIC/40025/27-2014/976 (Annexure-27) whereby respondent No.3 blacklisted the petitioner for a period of five years with immediate effect under clause 1A (c) of the Annexure- X of the tender notice.

Mr. Chitranjan Sinha, the learned senior counsel for the petitioner, confined his argument on the point that after initiation of the proceeding petitioner has already remained under blacklisting for more than five years if the entire period of



blacklisting is calculated together. It is submitted that for the first time the petitioner was blacklisted on 13.09.2014. The petitioner moved this court in CWJC No. 16731 of 2014 and the order blacklisting the petitioner was set aside on 22.10.2014 and the matter was remitted to the concerned authority to hear the petitioner afresh and pass order in accordance with law. The petitioner was again blacklisted for two years on 06.04.2015 vide Annexure-23 and this court vide order dated 03.12.2015 passed in CWJC No. 6886 of 2015 (Annexure-24) held that the order blacklisting the petitioner was passed in violation of principles of natural justice as the concerned authority considered the report of the two committees one headed by Dr. K. K. Sinha and another headed by Sri Anand Kishore but report of the second committee was not served on the petitioner and final order was passed and the matter was remitted to the concerned authority. The respondents again issued show cause and blacklisted the petitioner for five years vide order dated 23.06.2016 (Annexure-27). It is submitted that for the first time the petitioner was blacklisted vide order dated 13.09.2014 and the order remained in force till 22.10.2014 unless it was set aside by this court dated 22.10.2014. Again the order for blacklisting the petitioner was passed on 06.04.2015 for two



years and the same remained in force till 03.12.2015 unless the same was set aside by this court. Now the petitioner remained under blacklisting and restrained from doing any business since 23.06.2016, therefore, if the entire period is taken together the petitioner remained under blacklisting for more than five years.

Mr. Vikash Kumar, the learned counsel for the respondent No. 2 and 3, submits that on different grounds the orders of blacklisting were set aside but the petitioner concealed very vital information at the time of entering into the contract for supply of medicines. It was found that had the petitioner disclosed the facts at the time of entering into the agreement the respondent No.2 and 3 would not have entered into the agreement and, therefore, the petitioner has rightly and suitably been blacklisted for five years and the same should not be treated from the first date of blacklisting, that is, 13.09.2014.

It is apparent from the facts that proceeding for blacklisting the petitioner was initiated in the year 2014 and the petitioner was blacklisted vide order dated 13.09.2014. Since 13.09.2014 the petitioner was restrained from doing any business with the respondent No. 2 and 3 or any other company. The order dated 13.09.2014 was set aside by this court on 22.10.2014. The first order blacklisting the petitioner remained



in force for more than one month. It is admitted that from the date of order blacklisting the petitioner, the petitioner did not enter into any agreement either with respondent No.2 or any other company or the Government. The second order of blacklisting was passed on 06.04.2015 and the petitioner was blacklisted for two years and the order also remained in force for about eight months which was set aside by this court by order dated 03.12.2015 but again fresh order was issued blacklisting the petitioner on 23.06.2016 for five years. The respondents did not disclose that how the order of blacklisting was enhanced from two years to five years. Moreover, the petitioner has been restrained from doing any business on account of such blacklisting for more than five years. Thus, I find that petitioner has already undergone the period of blacklisting for five years and the period for blacklisting is over and the petitioner is permitted to do the business.

With the aforesaid observation, this writ petition is disposed of.

**(Prabhat Kumar Jha, J)**

BKS/-

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