

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6409 of 2020

M/s Sapphire Industries through its Proprietor Binod Kumar, Son of Late Laxman Sah, resident of Mohalle- Bakarganj, behind Mona Cinema, P.S.- Pirbhore, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Environment, Forest and Climate Change, Govt. of Bihar, Sicha Bhawan, Patna- 800015.
3. The Principal Secretary, Department of Industries, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
4. The Principal Chief Conservator of Forest, Department of Environment, Forest and Climate Change, Govt. of Bihar, Sicha Bhawan, Patna- 800015.
5. The Principal Chief Conservator of Forest (Development), Department of Environment, Forest and Climate Change, Govt. of Bihar, Sicha Bhawan, Patna- 800015.
6. The Regional Forest Conservator, Bhagalpur.
7. The Divisional Forest Officer, Supoul.
8. The Divisional Forest Officer, Purnia.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma, Advocate
For the Respondent/s : Mr.Awanish Nandan Sinha, GP 21

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 15-11-2021

Petitioner has prayed for the following relief(s):

- A.** For issuance of a writ in nature of mandamus for commanding and directing the concern respondent authorities to implement the true spirit of government decision contained in:-



- Bihar Material Purchase Preference Regulation, 1975.
- Memo No. 8981 dated 26-05-1981 issued by the Department of Industries, Government of Bihar.
- Memo no. 2397 dated 03-04-2007 issued by the Department of Finance, Government of Bihar.

Whereby and where-under Small Scale Industries (SSI) and other identical sector functioning & registered in Bihar were given preference over to the outsider manufacturer (SSI) functioning or registering outside the Bihar but contrary to rule & regulations SSI functioning outside the Bihar are given preference over to the regional manufactures (SSI).

- B.** For direction to respondent authority to consider the petitioner firm namely M/s SAPPHIRE INDUSTRIES Bakarganj, Patna (SSI) with respect to participation in tender process issue by the State Government for purchase of polythin bags used for nursery plantation.
- C.** And for any other reliefs/reliefs for which the petitioner is found to be entitled under the provision of law involved in the present case.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the



grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse



to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits of the matter. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Sanjay

AFR/NAFR	
CAV DATE	
Uploading Date	23.11.2021
Transmission Date	

