

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1641 of 2021

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M/s Bhawani Coke Industries Pvt. Ltd. a Company incorporated under the provisions of Companies Act, 1956 having its Plant at Bhupatpur, P.O. Series, District Aurangabad and Administrative Office at Singh Kothi, G.T. Road, P.S. Town and District Aurangabad through one of its Director, namely, Shree Sunil Kumar Singh, Male, aged about 50 years, Son of late Ram Naresh Singh, Resident of Singh Kothi, Old G.T. Road, New Ariya Lakshman Bigha, P.O. Series, P.S. Town and District Aurangabad.

... .. Petitioner

Versus

1. The Central Coalfields Ltd. a Subsidiary of Coal India Ltd., (Sales and Marketing Department), Darbhanga House, Ranchi through its Chairman-cum-Managing Director.
2. The General Manager (Sales and Marketing), Central Coalfields Ltd., Darbhanga House, Ranchi

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. S. D. Sanjay, Sr. Advocate Mr. Parul Prasad Mr. Mohit Agrawal, Advocates
For the Respondents	:	Mr. Vishwa Mohan Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 15-03-2021

Heard Mr. S.D. Sanjay, learned counsel appearing on behalf of the petitioner and Mr. V.M.K. Sinha, learned counsel appearing on behalf of the State.

Learned counsel appearing on behalf of the respondent-Central Coalfields Limited submits that the writ application is not maintainable. He raised a preliminary objection that the writ application at Patna High Court is not maintainable. He referred to the agreement dated 30th of April, 2008 to contend that in terms of clause 18.4 of the agreement,



Jharkhand High Court at Ranch has exclusive jurisdiction and placed reliance upon the judgment of the Division Bench of this Court dated 02.02.2011 passed in LPA 788 of 2009 (*The Central Coalfields Ltd. & others Vs. M/s Babul Smokeless Fuel (P) Limited* against which Special Leave Petition (Civil) No. 16777 of 2011 preferred was dismissed vide order dated 26.09.2011 by the Supreme Court.

Learned counsel for the petitioner submits that the most relevant fact that the agreement which was binding between the parties which confers exclusive jurisdiction to Jharkhand High Court at Ranchi and outlived its life and therefore, the issue of exclusive jurisdiction of Jharkhand High Court at Ranchi ceases to exist and it has no leg to stand after expiry of life of the agreement. Learned counsel further submits that in view the fact that after first information report was lodged in the instant case, action was taken by the respondent to blacklist the petitioner. Since the issue of exclusive jurisdiction of Jharkhand High Court at Ranchi vanishes in view of the fact that the agreement itself outlived its life after expiry of life of agreement, the issue of exclusive jurisdiction of Jharkhand High Court at Ranchi does not merit any consideration.

Now advertng to the issue of blacklisting by



challenging the order dated 26.02.2004 (Annexure-4) in the writ application, learned counsel for the respondents submits that order of blacklisting is follow up of FIR as such, this Court should not grant any indulgence.

Considering the fact that the ground on which the order of blacklisting on the face of it is illegal and arbitrary, runs contrary to the judgment of the Apex Court in *Kulja Industries Limited Vs. Chief General Manager, Western Telecom Project Bharat Sanchar Nigam Limited and others*, [(2014) 14 SCC 731]. It is now well settled that the order of blacklisting cannot be for an indefinite period and as such, the order of blacklisting cannot sustain.

It is also admitted at the Bar by both the parties that identical issue of blacklisting was considered by this Court vide order dated 28.01.2021 passed in CWJC No. 24940 of 2019 and vide order dated 19.10.2020 passed in CWJC No. 55 of 2019 and in both the writ applications, the order of blacklisting was quashed.

In order to maintain consistency, the Court is left with no option but to allow the writ application and quash the order of blacklisting dated 26.02.2004 as contained in Annexure-4. Respondents are directed to act strictly in accordance with the



judgment rendered by the Apex Court in the case of *M/s Kulja Industries Limited Vs/ CGM Western Telecom Project Bharat Snchar Nigam Limited & others (2014) 14 SCC 773*, *M/s Daffodiles Pharmaceuticals Limited & anr. Vs. State of U.P. & anr.* vide judgment dated 13.12.2019 passed in Civil Appeal No. 9417 of 2019; in the case of *Vetindia Pharmaceuticals Limited Vs. State Uttar Pradesh and another* vide judgment dated 06.11.2020 passed in Civil Appeal No. 3647 of 2020; and in the case of *UMC Technologies Private Limited Vs. Food Corporation of India & anr.* vide judgment dated 16.11.2020 passed in Civil Appeal No. 3687 of 20120 as contained in Annexures 5, 6 and 7, respectively.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.03.2021
Transmission Date	N.A.

