

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10181 of 2022

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Probit Plus Private Ltd. having its registered office at 11/1A, Sukh Sagar Nagar, Katraj, District - Pune through its Chief Operating Officer Aarty Shirish Kale, aged about 50 years (Female) wife of Shirish Kale, Resident of E - 40/02, DRDO Township, Phase - II C.V. Raman Nagar, Bangalore - 560093.

... .. Petitioner/s

Versus

1. The Chief General Manager Bharat Sanchar Nigam Limited, Bihar Circle, Patna.
2. The General Manager, Bharat Sanchar Nigam Limited, Bihar Circle, Patna.
3. The Assistant General Manager, Bharat Sanchar Nigam Limited, Bihar Telecom Services, Sanchar Sadan, Budh Marg, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5233 of 2022

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Probit Plus Private Limited a registered Company under the Company Registration Act having Identity No. U72900PN2014PTC151195 having its registered office at 11/1A, Sukh Sagar Nagar Katraj, District Pune through its Director, Aarty Shirish Kale, aged about 50 years, Gender-Female, W/o Shirish Kale, Resident of E- 40/02 DRDO, Township, Phase- II, C.V. Raman Nagar, Bangalore - 560093.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary Department of Labour.
2. The Chief Executive Officer, Bihar Skill Development Mission), Department of Labour Resources, Govt. of Bihar, 5th Floor, Niyojan Bhawan, Patna.
3. The Chief General Manager, Bharat Sanchar Nigam Limited, Bihar, Patna.
4. The General Manager, Bharat Sanchar Nigam Limited, Bihar, Patna.
5. The Assistant General Manager, Bharat Sanchar Nigam Limited, Bihar Telecom Services, Sanchar Sadan, Budh Marg, Patna.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 10181 of 2022)

For the Petitioner/s : Mr.Manoj Kumar Singh

For the Respondent/s : Mr.Santosh Kumar

(In Civil Writ Jurisdiction Case No. 5233 of 2022)

For the Petitioner/s : Mr.Subodh Kumar

For the Respondent/s : Mr.Raghwendra Kumar (Sc 22)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-08-2022

Heard learned counsel for the parties.

Petitioner in CWJC No. 10181 of 2022 has prayed
for the following relief(s):-

1. That, by way of this writ petition the petitioner craves indulgence of this Hon'ble Court, for the issuance of a writ in the nature of certiorari to quash the Letter No. 50-137EB/BR/BSDM_Tender/2021-22/100 dated 25.04.2022 issued under signature of respondent No. 3 (contained I n Anneuxre-) by which the respondents has banned/debarred the business dealing for three years with the petitioner so far it relates to Bihar Circle in utter violation of policy decision dated 28.03.2018 of Bharat Sannchar Nigam Ltd. and Partnership agreement between BSNL, Delhi & the petitioner by which both the parties became Partner and in pursuant there to the respondents have executed the consortium agreement and the petitioner also prays for the other consequential reliefs for which it/she is entitled under the law.

Petitioner in CWJC No. 5233 of 2022 has prayed
for the following relief(s):-

- (i) For issuance of writ in the appropriate nature commanding and directing the Respondent -1st set to grant an opportunity for submission of Bank Guaranty against the LOA dated 9.2.2022 issued by the office of the Respondent-1st set.
- (ii) For further direction to the Respondent-2nd set

to cooperate in submission of Bank Guaranty in view of the agreement entered between the petitioner and Bharat Sanchar Nigam Limited, Bihar Circle in compliance of the letter dated 9.2.2022 whereby the petitioner and Bharat Sanchar Nigam Limited, Bihar Circle was allocated the said work under the Lease Partnership of Bharat Sanchar Nigam Limited, Bihar Circle.

(iii) For further direction to the Respondent -1st set not to advertise till taking final decision in acceptance of Bank Guaranty giving adequate time in compliance of the LOA dated 9.2.2021.

(iv) And for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.

After the matter was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioners, learned counsel for the petitioners, under instructions, states that the petitioners will be content if the petitioners are permitted to withdraw the present petitions, with liberty to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

It stands clarified that all issues of fact and law are left open to be agitated before the competent authority.

The petitions are disposed of as withdrawn with the

liberty aforesaid.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	