

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 13123 of 2017

Bhagabati Traders

.....

Petitioner

Mr. S.K. Dalai, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. T. Pattnaik, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

19.05.2022

Order No.

12.

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Dalai, learned counsel for the petitioner and Mr. T. Pattnaik, learned Addl. Standing Counsel for the State-opposite parties.

3. The petitioner has filed this writ petition seeking to quash Annexure-18 dated 29.06.2017, whereby the contract dated 24.05.2017 has been terminated and the petitioner has been banned from trade relation with OSCSC Ltd., Kalahandi and blacklisted for a period of five years along with forfeiture of security deposit, and further seeks to quash the letter dated 01.07.2017 under Annexure-19 and to issue direction to opposite party no.4 to restore the contract, as per the agreement dated 24.05.2017 under Annexure-5, by providing adequate protection as per tender conditions to secure ends of justice.

4. Mr. S.K. Das, learned counsel for the petitioner contended that the order blacklisting the petitioner for a period of five years, is arbitrary, unreasonable and contrary to the provisions of law and, more so, violative of the conditions of the agreement itself. It is further contended that forfeiture of security deposit dated 29.06.2017 under Annexure-18 cannot sustain in the eye of law, as the same has been

done without following due procedure.

5. Learned counsel for the opposite parties contended that since the petitioner has been blacklisted for a period of five years and the said period has already been over, by efflux of time, the writ petition has become infructuous and, as such, there is nothing more remains to be adjudicated in the present case. So far as forfeiture of security deposit under Annexure-18 dated 29.06.2017 is concerned, the petitioner may approach the appropriate forum in terms of the agreement executed between the parties or the DTCN which is applicable to it.

6. Having heard learned counsel for the parties and after going through the records, since the blacklisting period of five years has already been over, by efflux of time, the writ petition has become infructuous. So far as the claim with regard to forfeiture of security deposit pursuant to Annexure-18 dated 29.06.2017, is concerned, it is open to the petitioner to approach the appropriate forum by making necessary application in terms of the agreement executed between the parties or DTCN which is applicable to it. In such event, the authority shall consider the same and pass appropriate order in accordance with law by giving due opportunity of hearing to the petitioner as expeditiously as possible, preferably within a period of three months from the date of filing of such application.

7. The writ petition is accordingly disposed of.

Issue urgent certified copy as per rules.

Ashok/Bichi

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE