

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 18636 of 2019

*M/s Bochem Healthcare Pvt.
Ltd.*

.....

Petitioner

Mr. Y. Parekh, Adv.

Vs.

State of Odisha and another

.....

Opposite Parties

State Counsel

Mr. P.K. Muduli, Adv. [O.P.No.2]

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. MISHRA

ORDER

20.07.2022

Order No.

09.

This matter is taken up through hybrid mode.

2. Heard Mr. Y. Parekh, learned Counsel for the Petitioner and Mr. P.K. Muduli, learned Counsel appearing for Opposite Party No.2.

3. The Petitioner has filed this Writ Petition seeking to quash the Order dated 12.09.2019 under Annexure-8, by which the Petitioner has been blacklisted for a period of one year and its Performance Security has been forfeited.

4. Mr. Y. Parekh, learned Counsel for the Petitioner contended that during pendency of the Writ Petition, the aforesaid blacklisting period of one year has already been over. Therefore, nothing remains to be considered in this Writ Petition. So far as refund of EMD/Performance Security is concerned, the Petitioner may be permitted to approach the appropriate forum in terms of the DTCN/Agreement, which is applicable to it.

5. Mr. P.K. Muduli, learned Counsel appearing for Opposite Party No.2 contended that in the event the Petitioner files an application with regard to refund of EMD/Performance Security in terms of the DTCN/Agreement, which is applicable to it, the same shall be considered in accordance with law.

6. Having heard learned Counsel for the parties and after going through the records, this Court finds that so far as the penalty with regard to blacklisting is concerned, as the period of one year has already been over, the Writ Petition has become infructuous to that extent. So far as the claim for refund of EMD/Performance Security is concerned, it is open to the Petitioner to make an application before the appropriate forum in terms of the DTCN/Agreement, which shall be considered by the Authority in accordance with law.

7. With the aforesaid liberty, the Writ Petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

Ashok/Padma



(S.K. MISHRA)
JUDGE