

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10542 of 2021

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M/s Singhal Enterprises having its administrative office at 34/A, Metacalfe Street Fourth Floor, Suit number 4F/1, Kolkata- 700013 through its authorised representative namely Mr. Amulya Kumar Das, son of Anirudh Chandra Das, aged about 50 years, Resident of D/1, Sai Phoneix, Sri Sai City, Sai Baba Mandir, New Pundag, Ranchi- 834004, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Urban Development and Housing Department Bihar cum Chairman, Bhagalpur Smart City Ltd. Having its registered office at Municipal Corporation Court Compound, Bhagalpur, Bihar- 812001.
2. The Bhagalpur Smart City Ltd, a registered company having its registered office Municipal Corporation Court Compound, Bhagalpur, Bihar- 812001 through its Managing Director.
3. The Chief Executive Officer, The Bhagalpur Smart City Ltd., a registered company having its registered office Municipal Corporation Court Compound, Bhagalpur, Bihar- 812001.
4. The Chief Finance Officer, The Bhagalpur Smart City Ltd., a registered company having its registered office Municipal Corporation Court Compound, Bhagalpur, Bihar- 812001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Advocate Mr. Alok Kumar Jha, Advocate Mr. Mukund Kumar, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9 Ms. Deepika Sharma, Advocate
For respondent No. 2 to 4:		Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 08-05-2023 In the instant petition, petitioner has prayed for the following relief(s):-



“1. a) For issuance of a writ in the nature of certiorari for quashing of impugned decision contained in the letter number F/220/225/BSCL dated 12.04.2021 whereby the petitioner has been communicated the decision of having been debarred from participation in all tenders of Bhagalpur Smart city Ltd (hereinafter referred to as the BSCL for short) for a period of one year;

b) For further issuance of a writ or order a direction upon the respondents to allow the petitioner to participate in all future and/or ongoing tenders of the BSCL;

c) For holding and a declaration that the debarment of the petitioner from participation in future tenders is an infringement of fundamental right of the petitioner guaranteed under article 14, 21 and 19 (1) (g) of the Constitution of India and as such required due compliance with the principles of natural justice, law of equity and fairness as well as reasonableness before any such order could be passed and communicated to the petitioner;

d) For further holding and a declaration that the impugned decision taken and communicated upon the petitioner by the respondent number 3 having not been preceded by any prior show cause notice nor any opportunity of hearing is in teeth of principles of natural justice, fairness and reasonableness and as such unsustainable in the eye of law;

e) For grant of any other relief or reliefs to which the petitioner is found entitled in the facts and circumstances of this case.”

2. Learned counsel for the respondent on instruction submitted that debarment has already spent its force. Therefore, the present petition does not survive for consideration. On the other hand, learned counsel for the petitioner submitted that there is an observation that the petitioner is not entitled to participate in future tenders.



3. Taking note of these facts and circumstances, the petitioner is directed to be allowed to participate in future tenders, his bid shall be considered after fulfilling the conditions stipulated in the respective N.I.T. Annexure-16 dated 12.04.2021 would not be a hurdle for future tenders.

4. With the above observations, present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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