

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7883 of 2023

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M/s Sarkar Gurumurthy and Associates a Partnership firm having its Registered Office at 35, CR Avenue, 3rd Floor. Kolkata, West Bengal 700012 through its Managing Director Parimal Sarkar (M), aged about 65 Years, Son of Shri Late Bishnupada Sarkar, resident of Flat No. 1A, Baishnabghata Patuli Township, Kolkata-700094, West Bengal

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development and Housing Department, Government of Bihar, Vikas Bhawan, Bailey Road, PS Secretariat, Patna, Bihar 800015
2. Assistant Director Cum Joint Secretary, Department of Urban Development and Housing Department, Government of Bihar, Vikas Bhawan, Bailey Road, PS Secretariat, Patna, Bihar 800015
3. Additional Secretary, Department of Urban Development and Housing Department, Government of Bihar, Vikas Bhawan, Bailey Road, PS Secretariat, Patna, Bihar 800015
4. Additional Director Cum Nodal Officer, State Level Project Monitoring Unit (SLPMU), Department of Urban Development and Housing Department, Government of Bihar, Vikas Bhawan, Bailey Road, PS Secretariat, Patna. Bihar-800015.
5. M/s PSP Fintech Consultants Pvt. Ltd. Corporate Office address 64A, Hisindustan Park, Kolkata-29, West Bengal

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Respondent/s : Mr. Amit Prakash, GA 13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-06-2023

Heard learned counsels for the respective parties.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:



“(I) For issuance of an appropriate writ or order or direction in the nature of certiorari for quashing Letter No. 05/PMU-FIN/DEAS/SGA-16 ULB/G2/Communication?2019-20/16 1554 N.V.& H.D. dated 25.06.2022 (Annexure 13) vide which Respondent No. 3 has cancelled the Agreement dated 15.10.2019 and further have also blacklisted the Petitioner’s firm for the next three years barring it from participating in any tender advertised by the Respondent Authorities and also forfeited the Fixed Deposit of Rs. 3,75,000/- vide FD No. 1423654 dated 14.10.2019 and Rs. 5,00,000/- vide FD No. 1423655 dated 14.10.2019.

(II) For further issuance of a writ or order or direction to the Respondents to release the fixed deposit of Rs. 3,75,000/- vide FD No. 1423654 dated 14.10.2019 and Rs. 5,00,000/- vide FD No. 1423655 dated 14.10.2019 lying with the Respondents.

(III) For further issuance of a writ or order or direction to the Respondents to make payment of the invoices towards the portion of the work completed by the Petitioner.

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

3. *Prima facie* the present writ petition is not maintainable insofar as cancellation of agreement is concerned.

4. Insofar as blacklisting is concerned, perusal of Annexure – 13 dated 25.06.2022, it is bereft of reasons in the sense the petitioner has been asked to show cause and he had submitted his reply on the subject of blacklisting him, however, reply has not been considered.

5. *Prima facie* perusal of Annexure – 13, there is no analysis of the petitioner’s reply to the show cause notice. On this short ground, the petitioner has made out a case. Accordingly,



Annexure - 13 dated 25.06.2022 stands set aside and the matter is remanded to the concerned authority to pass a detailed speaking order after due consideration of each of the contentions stated in the reply to the show cause notice by the petitioner. Such speaking order shall be passed within a period of three months from the date of receipt of this order and communicate to the petitioner.

6. Remaining relief insofar as disbursement of certain amount with reference to work executed by the petitioner is concerned, the petitioner is at liberty to make a detail representation to the concerned authority. If they failed to grant any relief to the petitioner, the petitioner is at liberty to invoke appropriate remedy before arbitration or any other forum.

7. With the above observation, writ petition stands disposed of.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.06.2023
Transmission Date	NA

