

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3483 of 2017

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1. M/s Hill Top Refrigeration, registered office 2/103, Subhash Nagar, New Delhi – 110027 sole proprietorship through its authorized agent Manoj Kumar Gour, Son of Ajit Kumar Gour.
 2. Manoj Kumar Gour, Son of Ajit Kumar Gour, Resident of 106, Pancharatan Apartment, Boring Road, P.S.-S.K. Puri, District-Patna authorized Agent of M/s Hill Top Refrigeration, registered Office 2/103, Subhash Nagar, New Delhi-110027.

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
4. The Chief Engineer, Building Construction Department, Government of Bihar, Patna.
5. The Chief Electrical Engineer, Building Construction Department, Government of Bihar, Patna.
6. The Electrical Executive Engineer, Works Division 1 Within Building Construction Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vikas Kumar, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Ambastha, SC-26
		Mr. Subodh Kumar, Advocate

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

3 24-04-2023 In the instant petition, petitioners have prayed for the following relief(s):-

“That in this writ application above named petitioners pray for issuance of appropriate writ/order/direction commanding the Respondents to desist from blacklisting the Petitioner No. 1 in the register of contractors.

The petitioners further pray for a direction to Respondents restraining them from taking any punitive action against Petitioner No. 1 until conclusion of proceeding before the Commission of Inquiry



constituted vide government order contained in memo no. 8461 dated 07.09.2016 in exercise of power conferred under Commission of Inquiry Act, 1952."

Perusal of the records it is evident that the present petition is premature. Premature writ petition could be entertained only if there is any violation of Rules or incompetent authority has proposed to take action. Both are not forthcoming in the present petition.

The present petition stands dismissed as premature. The concerned authority is hereby directed to proceed in accordance with law. At the same time, the concerned/competent authority is hereby directed take note of judicial pronouncements like ***UMC Technologies Pvt. Ltd. Vs. Food Corporation of India and Anr.*** reported in ***(2021) 2 SCC 551*** and ***Isolators and Isolators through its Proprietor Mrs. Sandhya Mishra Vs. Madhya Pradesh Madhya Kshetra Vidyut Vitran Co. Ltd. & Anr.*** reported in ***2023 Livelaw (SC) 330 (para-34)*** before taking further steps in the matter.

With the above observations, writ petition stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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