

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8277 of 2023

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M/S Bhimasen Singh Through its proprietor Bhimasen Singh, Male, aged about 48 years, S/O Gabindra Chandra Singh, R/O Durdura, Begunia, P.S.- Durdura Distt.- Mayurbhanj, State- Odisha, Pin 757034.

... .. Petitioner/s

Versus

1. The Union of India Indian Railways through its Secretary, Ministry of Rail, Rail Bhawan, New Delhi.
2. The Regional Manager, East Central Railway, DRM Building, Commercial, Samastipur, Bihar-848101.
3. The Chief Commercial Manager/Catering, E.C Railway, Samastipur Division, Samastipur.
4. The Sr. Divisional Commercial Manager, Samastipur Division, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra Agrawal
For the Respondent/s : Mr. K.N. Singh

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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 : 14-07-2023

In the instant petition, the petitioner has prayed for the following relief:-

“a) For setting aside the tender notice inviting tender for operating SMU No.-16 (Stall No.-11, PF-4-5, in front of officer Rest house at Darbhanga Railway Station) by respondents published over official web site through open e-auction.

b) For setting aside the Contract Cancellation letter dated 20.04.2023 issued by the respondents for SMU No.-16 (Stall No.-11, PF-4-5, in front of officer Rest house at Darbhanga Railway



Station) by respondents.

c) For setting aside any letter regarding debarment or Black Listing of petitioner from doing business of catering services in the Railways issued by the respondents;

d) For issuance of a writ in the nature of Mandamus directing the respondent authorities not to disturb the operation of catering services render by the petitioner at Darbhanga railway station.

e) For issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.”

2. One of the contention raised by the petitioner is that the petitioner has not been heard in the matter. In this regard, the petitioner has specifically pleaded in para 20 and 21. The same has not been countered by the official respondents in their counter affidavit. Therefore, this Court has to draw inference that the petitioner has not been provided opportunity of show-cause. On this sole ground, the petitioner has made out a case.

3. Accordingly, letter dated 20.04.2023 (Annexure-6), issued by the respondents, stands set aside, reserving liberty to the petitioner to urge other contentions raised in the present petition against a show-cause notice to be issued by the concerned respondent. The concerned respondent is hereby



directed to complete the exercise or proceedings within a period of three months from the date of receipt of this order.

4. Accordingly, the present writ petition stands allowed.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Amrendra/ashish
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AFR/NAFR	NAFR
CAV DATE	
Uploading Date	20.07.2023
Transmission Date	

