

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16890 of 2018

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Sanjay Kumar Singh Son of Late Rameshwar Singh, Resident of Village-
Ganghar, P.S. Ara Muffasil, District Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Bihar State Food and Civil Corporation Ltd. Khadya Bhawan, Beer Chand Patel Path, Patna through its Chairman cum Managing Director.
3. The District Magistrate, District Bhojpur, Ara, Bihar.
4. The Deputy Development Commissioner, District Bhojpur, Ara, Bihar.
5. The District Manager, State Food Corporation, District Bhojpur, Ara, Bihar.
6. The Assistant Manager, State Food Corporation Godown, Barhara, District Bhojpur, Ara, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate Mr. Chandan Kumar, Advocate
For the Respondent/s	:	Mr. Anisul Haque, AC to AAG-5
For the BSFC	:	Mr. Shailendra Kumar, Sr. Advocate Ms. Usha 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)

6 04-05-2023 In the instant petition, petitioner has prayed for the
following relief(s):-

“1. (i) Quashing of the Letter No. 1442 dated 02.06.2018 issued by Respondent No. 6 (Annexure 3) whereby without issuing any Show Cause Notice and without seeking any explanation, the petitioner has been directed to deposit an amount of Rs. 5,26,546/- and further more Show Cause Notices have been issued calling upon the petitioner to explain within two days as to why for the irregularities committed, the agreement be not cancelled and further



*necessary actions be not taken; and
(ii) Commanding the Respondents to restore the Transportation work forthwith in terms of the Agreement dated 29.05.2017 which has been illegally suspended contrary to the terms of the Agreement and without any specific order to that effect, merely on the institution of the First Information Report.”*

2. During pendency of the present petition, petitioner has filed Interlocutory Application insofar as questioning Annexure-4 dated 02.08.2018. Annexure-3 is relating to directing the petitioner to deposit a sum of Rs. 5,26,546/- and further show cause notice was issued insofar as cancellation of contract. Annexure-4 is relating to cancellation of agreement, blacklisting for 5 years and forfeiting of EMD and Bank Guarantee. Perusal of Annexure-4, it is evident that the petitioner has not been heard. In other words, show cause notice has not been issued insofar as cancellation of agreement, blacklisting for 5 years and forfeiting of EMD and Bank Guarantee.

3. Accordingly, the petitioner has made out a case, Annexure-3 is set aside insofar as asking the petitioner to deposit a sum of Rs. 5,26,546/- and Annexure-4 dated 02.08.2018 is set aside for want of notice and other formalities. The concerned authority is hereby directed to take note of Apex Court's decision in the case **UMC Technologies Pvt. Ltd. v.**



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 action in the matter.

4. The concerned authority is hereby directed to complete the formalities of issuance of show cause notice, receipt of petitioner's explanation and further passing of speaking order within a reasonable period of 4 months from the date of receipt of this order.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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