

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15407 of 2023

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Panash Infotech Pvt Ltd, situated at 402, S.S. Bihar Apartment, Near Railway Hospital, Karbigahiya, Patna-1 through its Director Sanjay Kumar, Male, aged about 47 years, S/o Brajmohan Prasad, R.o- Purushotampur, Maker, P.S.- Maker, Saran- 841215.

... .. Petitioner/s

Versus

1. Chief Secretary, Govt. of Bihar, Patna.
2. Secretary-Cum-Excise Commission-Cum-IG Registration, Prohibition, Excise and Registration Department, Bihar, Patna.
3. Assistant Inspector General of Registration, Prohibition, Excise and Registration Department, Bihar, Patna.
4. District Sub-Registrar, Madhubani, Bihar, Prohibition, Excise and Registration Department, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Amit, Advocate
For the Respondent/s : Mr. Vikash Kumar, S.C. 11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJIV ROY)

Date : 06-12-2023

Heard the parties.

2. The present writ petition has been filed for
the following reliefs:-

*(i) to issue a writ/order/ direction in
the nature of certiorari for quashing the Office
Memorandum-Cum-Debarment order bearing letter no.
FW-1702/2/2022-SEC_9-4184 dated 08.08.2023
(Annexure-P8) issued under the signature of Assistant*



Inspector General of Registration, Prohibition, Excise and Registration Department blacklisting the petitioner bearing for a period of three years without proper show-cause notice and without considering response of the petitioner;

(ii) to issue a writ/order/ direction in the nature of mandamus directing the Respondents to allow the Petitioner to complete the assigned task as per RFP dated 14.07.2022 and LOI dated 17.08.2022 issued for same;

(iii) to pass ex-parte/ad-interim relief during the pendency of the writ application staying the operation of order dated 08.08.2023 and direct the respondents to honour the terms of LOI dated 17.08.2022 and RFP dated 14.07.2022.

3. The facts in narrow compass is/are as follows:-

4. The Prohibition, Excise and Registration Department, Bihar, Patna (henceforth for short 'the Department') had initiated the process for the selection of vendor for scanning, indexing and uploading of the registration record. Accordingly, a request for proposal (RFP) was published



on 14.07.2022.

5. The petitioner-firm also successfully participated in it which followed the letter of intent (LOI) vide letter no. 4104 dated 17.08.2022 issued by the Assistant Inspector General of 'the Department'.

6. The petitioner's case is that he was allotted work for the Madhubani District and in line with the different clauses, the respondents were supposed to provide basic infrastructure for taking up the work which include the rooms, the chairs, the internet facility as also uninterrupted power supply beside a person having knowledge of 'Kaithy' language and for this attention was drawn to the authorities as early as 15.03.2023.

7. It is the further case of the petitioner that he was surprised to receive the show cause notice issued vide letter no. 3924 dated 25.07.2023 by the A.I.G. of 'the Department' (Annexure P/6) in which he was asked to reply why 'the Department' should not blacklist the firm for a period of one year from participation or bidding for projects to be undertaken by it.

8. The petitioner replied on 02.08.2023 which followed the letter no. 4184 dated 08.08.2023 again



issued under the signature of the A.I.G. of 'the Department' by which the petitioner firm was debarred for three years from the date of the issuance of the order.

9. Aggrieved, the present petition.

10. It is the case of the petitioner that while show cause notice was issued to him asking why the firm should not be debarred for one year; the final order shows the firm has been debarred for three years which is an illegal order.

11. It is his further submission that as early as 15.03.2023, the attention was drawn to the respondents that the infrastructure has not been made available which is delaying the work assigned to it and as such, the submission is that even otherwise the debarment of one year is bad.

12. Learned State Counsel, Mr. Vikash Kumar, on the other hand, has taken this Court to Annexure-R/2 to the counter affidavit filed on behalf of the respondent nos. 2 to 4, the letter no. 379 dated 23.03.2023 issued by the District Registration Office, Madhubani pursuant to the office letter no. 1571 dated 20.03.2023 sent by the 'A.I.G.' of 'the Department' by which information was given that the basic infrastructure including the room has been provided to the petitioner firm and alternate arrangement of generator (in case of disruption in



electric supply) is also available. However, the firm has not provided the details of the employees who will serve and further has not started the work of indexing.

13. From the aforesaid pleadings which has not been controverted by the learned Counsel for the petitioner despite the copy of the counter affidavit having been served upon him on 23.11.2023 clearly shows that so far his claim that due to absence of infrastructure, the work could not be started is a false statement.

14. However, so far as the debarment/blacklisting part is concerned, the show cause issued by the A.I.G. of 'the Department' clearly shows that the petitioner was directed to submit his reply on why the firm should not be debarred for one year. Instead, the order in question has been passed by blacklisting it for a period of three years.

15. Thus, in the considered view of this Court, when a particular period was incorporated by the A.I.G. of 'the Department' (one year) while putting the petitioner firm on notice, the order in question cannot extend the blacklisting period to three years.

16. In the aforesaid background, so far as the



order vide no. FW-1702/2/2022-SEC_9-4184 passed by the A.I.G. of ‘the Department’ (Annexure-P8) is concerned, the same is modified to the extent that the debarment/ blacklisting of the petitioner firm shall be limited to the period of one year for which he was put on notice.

17. The writ petition stands party allowed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Neha/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	11.12.2023
Transmission Date	

