

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2381 of 2024

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M/s Orion Security Solution Pvt. Ltd. through the Managing Director,
Ashutosh Jha aged about-52 Years, Gender-Male, Son of Late Satish Kumar
Jha, State Official Bihar and Jharkhand Regional Office- Sakal Dina House
No. 24 Basant Vihar Colony, Boring Road, Patna-1.

... .. Petitioner/s

Versus

The General Manager of Bihar, State Power Transmission Co. Ltd.
Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashank Kumar Singh, Advocate
For the Respondent/s : Mr. Kunal Tiwari, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-02-2024

The petitioner is concerned with Annexure-P/1,
order dated 30.07.2022. The contract was for supply of security
services that too, limited to one year, which period expired on
29.02.2020. The petitioner, despite providing services, was not
disbursing the money, paid under the contract, to the employees.
Against which, complaints were received by the authority. A
series of show cause notices were issued, which were not
responded to and eventually Annexure-P1, blacklisting the
petitioner was issued.

2. Learned counsel for the petitioner submits that



there was an arbitration clause and in fact, without resorting to such dispute resolution, the blacklisting order was passed.

3. Learned counsel for the respondent, however, points out that there were repeated show cause notices issued for disbursement of amounts to the employees, on failure of which the blacklisting was ordered.

4. We find that Annexure-P/1 order was dated 30.07.2022 and the petitioner did not take any remedies available to him either by way of arbitration or by way of filing a writ petition under Article 226 within a reasonable time of the impugned order. In fact, when there is an arbitration clause in the agreement, the petitioner ought to have resorted to that method. Having not resorted to the method, an application under Article 226 has been filed, which also is grossly delayed.

5. In such circumstances, we decline discretion and reject the writ petition. However, we make it clear that the petitioner would be entitled to approach the authority with a representation, especially since now almost one and half years have expired from the date of blacklisting.

6. We further make it clear that we have not made any observation on the consideration of the representation, which will be at the discretion of the authority.



7. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	09.02.2024
Transmission Date	

