

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2096 of 2024

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Navi Harish Hospitality Private Limited having its registered office At- Flat No.- 502, Golf Link Residency, Block- E- 2, Pocket- 2, Sector-18B, Dwarka, New Delhi-110078, through its Director Harish Yadav, (Male) aged about 67 years, Son of Harpal Singh @ Harpal Yadav, Resident of Flat No.- 502, Block- E 2, Pocket- 2, Sector-18B, NSIT, Dwarka, South West Delhi-110078.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Bihar Institute of Public Administration Rural Development, Walmi Campus, Phulwarisharif, Patna.
2. The Director, Bihar Institute of Public Administration, Rural Development, Walmi Campus, Phulwarisharif, Patna.
3. The Deputy Director, Bihar Institute of Public Administration and Rural Development, Walmi Campus, Phulwarisharif, Patna.
4. The Faculty, BIPARD, Walmi Campus, Phulwarisharif, Patna.
5. Officer on Special Duty BIPARD, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Singh, Advocate
For the Respondent/s : Mrs. Binita Singh, SC 28

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 20-06-2024 The petitioner is concerned with Annexure 12 blacklisting order issued against the petitioner. We have heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

2. The learned Counsel for the petitioner submits that there was no sufficient time granted for replying to the show cause notice and that the blacklisting was done without specifying the period. The learned Standing Counsel however submits that the petitioner has tendered and was declared successful but did not commence the work which led to the



blacklisting.

3. We are not concerned with the merits of the blacklisting and we are only concerned with the procedure adopted by the respondents to blacklist the petitioner. Annexure 10 is the email issued, which is the show cause notice for blacklisting. Annexure 10 is dated 14.10.2023 wherein the petitioner was directed to give consent within one working day, failing which the department would take steps to blacklist the firm or company. Annexure 12 dated 24.02.2023 is the order of blacklisting.

4. The learned Counsel specifically relied on the Request for Proposal which is produced as Annexure 1. Paragraph 8 relates to termination and blacklisting and we specifically extract the note under the said paragraph :

“Note :- Blacklisting / Debarment of the vendor shall be natural consequence of the termination. The Blacklisting/Debarment shall be for such a period as may be specified by the Department. Provided that before placing the vendor in the blacklist, with or without the termination of the contract, the Department shall issue a notice given 15 days of time to the vendor.”

The above note indicates that if blacklisting is to be carried out, a show cause notice of fifteen days time has to be given and there should also be a period specified of the operation of such blacklisting.

5. We find that none of this has been complied with



by the respondent. Considering the above ground we set aside Annexure 12 on the ground of the procedure having not been complied with.

6. We direct the petitioner to appear before the respondent authority on or before the 10th of July 2024, upon which the respondent authority shall issue a proper show cause notice, clearly indicating the reasons for the proposal of blacklisting and invite objections within one week of the date of receipt of such show cause notice. Acknowledgment shall be taken from the petitioner with respect to the show cause notice.

7. If the petitioner does not approach the authority within the time specified, the authority will have the liberty to issue such show cause notice through appropriate mode.

8. The petitioner shall also be given an opportunity to submit his explanation and be afforded an opportunity for personal hearing after which a speaking order shall be passed. We make it clear that we have not stated anything on the merits of the matter.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

supratim/-

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