

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18115 of 2023

National Federation of Farmers Procurement Processing and Retailing Cooperatives of India Ltd. through its State Manager (Authorized Signatory) namely Pundariksh Prasad Singh (P.P. Singh) (M), aged 75 years, S/o- Late Bimal Prasad Singh, R/o - Chitragupta Nagar, P.S. - Patrakar Nagar, District- Patna - 800020.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Department of Home(Prison), Govt. of Bihar, Patna.
2. The Inspector General, Prison, Bihar, Patna.
3. The Additional Inspector General, Department of Home (Prison), Bihar, Patna.
4. The Nodal Officer, A.I.G. (HQ), Prisons and Correctional Services, Govt. of Bihar, Patna.
5. The Department of Agriculture and Co-operation, Ministry of Agriculture, Government of India.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Onkar Nath, Advocate
For the Respondent/s	:	Mr.Sajid Salim Khan (SC-25) Dr.K.N. Singh, ASG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-02-2024

The petitioner is before this Court challenging the rejection of his tender by Annexure-4 on the ground that there is no authorisation letter issued by the competent authority of N.A.C.O.F. We have heard learned counsel for the petitioner and the learned Government Advocate.

2. Learned counsel for the petitioner contends that



there is no requirement to file an authorisation, as is seen from the Notice Inviting Tender (for brevity 'NIT') which does not speak of the authorisation being one of the documents which have to be produced, as is evident from Annexure-2. Learned Government Advocate, however, submits on the basis of the counter affidavit that the petitioner had made the application as understood by the authority in his personal capacity naming it to be one made on behalf of the National Federation of Farmer's Procurement Processing & Retailing Co-operatives of India Ltd.

3. When a person applies on behalf of a company or a Co-operative Society, necessarily there should be an authorisation produced at least, when an objection is raised regarding the authority of that person to submit the tender or file an application on behalf of the Society. This need not be a requirement in the NIT itself. It is only pointing out the said defect that the tender was rejected.

4. We also had an apprehension as to the genuineness of the claim, looking at the fact that the letter pad under which the petitioner has produced the authorisation as available from Page 29, contains the word 'Limited' which can only be if there is a registration made under the Companies Act. Learned Counsel then, would specifically point out Annexure-1 issued



by the Government of India, Ministry of Agriculture, Department of Agriculture and Co-operation registering the said organisation as a Multi State Co-operative Society under Section 7 of the Multi Co-operative Societies Act, 2002.

5. In the above circumstances, we are of the opinion that the Department of Agriculture and Co-operation should re-examine as to whether such an entity can be registered as a Co-operative society with the word 'Limited' affixed to its name, without a registration being taken under the Companies Act. We implead the Department of Agriculture and Co-operation, Ministry of Agriculture, Government of India as an additional respondent. We direct the Additional Solicitor General to take notice. The Department will look at the registration order and pass appropriate orders after hearing the agency also, which has obtained registration.

6. Insofar as the writ petition is concerned, there is nothing produced to show the authorisation even at this stage. The petitioner's reference to Page 29 also cannot be countenanced since there is no 'round-seal' seen affixed from the said letter. Communication on Page 29 is also issued by the petitioner himself without showing the authority under which it has been issued.



7. We are of the opinion that the writ petition cannot be entertained and the same shall stand dismissed with the directions as above, to the additional respondent impleaded herein. A copy of this judgment shall be transmitted to the Additional 5th respondent, by the Registry of this Court.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.03.2024
Transmission Date	

