

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8955 of 2018

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M/s Raj Construction Through Its Partner, Md. Aftab Alam Son of Md. Hasan
Haidar, resident of Village- Meenapur, P.S.- Balia Belon, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, food and Consumer Protection Department, Govt.
of Bihar, Patna.
3. The Chairman-cum-Managing Director, Bihar State Food and Civil Supplies
Corporation, Patna.
4. The Deputy Chief, Transportation, Bihar State Food and Civil Supplies
Corporation, Patna.
5. The District Magistrate, Katihar.
6. The Deputy Development Commissioner, Katihar.
7. The Additional Collector, Katihar.
8. The District Transport Officer, Katihar.
9. The Sub-Divisional Officer, Katihar Sadar.
10. The District Supply Officer, Katihar.
11. The Senior Deputy Collector (Legal), Katihar.
12. The District Manager, Bihar State Food and Civil Supplies Corporation,
Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Ram Binod Singh, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5 Mr. Alok Ranjan, AC to AAG-5
For the B.S.F.C.	:	Mr. Anjani Kumar, Sr. Advocate Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)



Date : 24-03-2025

We have heard Mr. Bindhyachal Singh, the learned Senior Advocate for the petitioner/Firm and Mr. Anjani Kumar, the learned Senior Advocate for the Bihar State Food and Civil Supplies Corporation Limited.

2. The petitioner's Firm has been blacklisted for five years, which order of blacklisting is contemplated to be challenged by the petitioner before the appropriate authority. The petitioner/Firm shall also challenge the forfeiture of the Bank guarantee and earnest money before the appellate authority. These facts have been recorded in the order passed by this Court on 12.04.2019.

3. The only challenge of the writ petitioner presently is thus on the decision of the respondent in adjusting the outstanding bills against the losses suffered by the Corporation.

4. Mr. Bindhyachal Singh, the learned Senior Advocate submitted that the show-cause notice issued to



the Firm does not refer to this contemplated action and therefore, he was not in a position to challenge or respond to the assessment of the Corporation about the losses having been caused to it because of any fault on the part of the petitioner/Firm. Even otherwise, for taking any punitive action, which in this case is adjustment of the bill amounts against earlier payments. Specific notice with respect to the action proposed to be taken is required to be given to the contractor. That not having been done, the order, to that extent, cannot be sustained. That apart, merely listing the faults of the Firm in storage of food-grains and a ballpark assessment of the losses of the food-grains in terms of quantity would not be enough and the losses are to be quantified for adjusting the outstanding bills of the petitioner/Firm.

5. To that extent, we have found the notice issued to the petitioner to be absolutely silent about any proposed action of adjusting the bills of the petitioner.

6. Thus, the part of the order dated 27.03.2018



passed by the Managing Director of the Corporation, which directs for adjustment of the bills of the petitioner, is set aside with the liberty to the Corporation to apprise the petitioner by way of notice as to the quantification of the losses against which such bills could be adjusted, giving reasonable time to the Firm to respond.

7. On perusal of the response of the petitioner, a fresh order shall be passed by the Managing Director within a reasonable period of time with respect to adjustment of bills of the petitioner.

8. If the notice, as directed by us, is issued and is received by the petitioner within a period of four weeks and the petitioner responds to it within further period of two weeks, the Managing Director is expected to pass a final/reasoned order within next four weeks and the order shall be communicated to the petitioner forthwith.

9. It is expected that the petitioner shall also cooperate in the matter.

10. With the aforesaid observation/directions,



the writ petition stands disposed off.

11. Interlocutory application/s, if any, also
stands disposed of.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

avinash/Sunil

AFR/NAFR	
CAV DATE	
Uploading Date	25.03.2025
Transmission Date	

