

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3056 of 2018
In
Civil Writ Jurisdiction Case No.4175 of 2015

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1. M/s Dyanamic Ex Army Sentinels Private Limited Through Its Director Rajshekhar and Anr
 2. Raj Shekhar, Son of Late Lalan, Presently Resident of Flat no. 401, Sai Heritage Apartment, Purnendu Nagar, Phulwari Sharif, P.S. Phulwari Sharif, District- Patna Permanent Resident of Village- Pinjari P.O.- Pinjari, P.S.- Barbigha, District- Sheikhpura, Bihar- 811105.

... .. Petitioner/s

Versus

1. Mr. Inayat Khan, the Managing Director, Bihar State Tourism Development Corporation Limited, Veer Ch
2. Mr. Harendra Prasad The General Manager, Bihar State Tourism Development Corporation Limited, Veer Ch
3. Mr. Abhishek Singh, The District Magistrate, Gaya, P.S. Gaya Dist. Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Nivedita Nirvikar, Sr. Advocate
For the Opposite Party/s	:	Ms.Anukriti Jaipuriyar, Advocate
For BSTDC	:	Mr. Inayat Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-03-2026 Heard Mrs.Nivedita Nirvikar, learned Senior Counsel

for the petitioner and Ms.Anukriti Jaipuriyar, learned counsel

for the State.

2. The present petition has been preferred for the
following relief/s:

*(i) for initiating the contempt proceeding
against the opposite parties who deliberately*



have disobeyed the order dated 8.4.2015 passed by Hon'ble Mr. Justice Ravi Ranjan in C.W.J.C. No.4175 of 2015 whereby and where under the Hon'ble Court had directed the Managing Director, Bihar State Tourism development Corporation Limited to reconsider the issue of blacklisting in terms of order passed by the Apex Court within 4 weeks.

3. The writ Court on 08.04.2015, directed the respondent-opposite party-Managing Director of Bihar State Tourism Development Corporation Limited to reconsider the issue of blacklisting of the petitioner in terms of Hon'ble Apex Court's order.

4. As no order was passed, the present contempt petition.

5. A show cause has come on behalf of the opposite party nos. 01 and 02 and learned counsel representing the aforesaid opposite parties took this Court to paragraphs- 04 to 08 of the said petition which read as follows:

4. That the short facts leading to the passing of the order dated



08.04.2015 is that the petitioner had filed the writ application bearing CWJC No. 4175 of 2015 against the Order Dated 13.03.2015 -passed by the then Managing Director, BSTDC by which the allotment for running the Niranjana Resort, Bodh Gaya has been cancelled due to non-payment of the License fees from the past three years (i.e., since Year 2012-13), entire articles kept therein of the petitioners has been directed to be seized and at the same time the Petitioners were blacklisted from participating in any future tender.

5. That the claim of the Opposite parties over the Petitioner in terms of total dues as on that date was assessed as Rs.45,49,683/- in which a sum of Rs.3,10,584/- was



towards payment of Service tax which the Hon'ble Court in its Order dated 19.03.2015 has directed the petitioner to pay the Opposite Parties the amount as claimed by way of Service tax latest by 21.03.2015-failing which the order of Status quo shall be vacated.

6. That pursuant to the Hon'ble Court's Order the Petitioner sent a cheque of Rs. 3,10,584/- to the Opposite Parties vide Cheque No. 048320 drawn on 21.03.2015 which was however dishonored due to insufficient fund and the order of maintaining status quo was vacated and then with the help of District Magistrate, Gaya and local administration the charge of the Hotel was taken over and inventory of articles were



prepared.

7. That it is humbly submitted that till date the Petitioner has neither deposited a single penny towards settlement of Outstanding Bills of amount Rs. 45,49,683/- nor has moved before the Arbitrator after invoking Clause 31 of the agreement as was directed by the Hon'ble High Court vide its Order dated 08.04.2015 passed in the C.W.J.C. No.4175/2018.

8. That it was under such circumstances that the Opposite Parties failed to take any further action with regard to consideration of permanent blacklisting. However, it is significant to bring to your kind notice that in response to the Petitioner's Letter no. P.S.C./196 dated 04.08.2018 (Annexure 5 of



the Contempt Petition) wherein the attention has been drawn towards the Order dated 08.04.2015 of the Hon'ble High Court, the Opposite Parties has given a show cause to the Petitioner vide Letter No. 1218/18 dated 30.08.2018 to consider the issue of permanent blacklisting and they have been further directed to be present in the Office on 08.09.2018 at 3 p.m. to state their stand in the matter.

4. This Court has taken note of the non-cooperative attitude of the petitioner who tried all possible steps to put spoke in the wheels of the opposite party in coming to the conclusion which reflects from the fact that when the amount (service tax) which was to be paid in line with the order passed by the Patna High Court, a cheque was issued which was dishonoured.

5. In that background, this Court do not deem it fit and proper to continue with the contempt proceeding in the present petition. It is accordingly, closed.

6. The petitioner will have the liberty to approach the



concerned opposite party alongwith all the valid documents, if
he still is interested in getting a decision from the Bihar State
Tourism Development Corporation Limited.

(Rajiv Roy, J)

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