

GAHC010116152023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3111/2023

MAHAABALA OPERATIONS PRIVATE LIMITED
HAVING ITS REGISTERED OFFICE AT TRIBENIS COMMERCIAL COMPLEX,
1ST FLOOR, ULUBARI, G.S. ROAD,
GUWAHATI- 781007, ASSAM,
REPRESENTED BY ITS DIRECTOR SRI UMANG BAJAJ,
SON OF RAMESH BAJAJ, AGED ABOUT 27 YEARS,
RESIDENT OF A.T. ROAD, MARWARI PATTY,
DIBRUGARH, PIN- 786001, DISTRICT- DIBRUGARH.

VERSUS

OIL AND NATURAL GAS CORPORATION LTD.
HAVING ITS REGISTERED OFFICE AT PLOT NO. 5A-5B NELSON MANDELA
ROAD,
VASANT KUNJ, NEW DELHI, SOUTH WEST DELHI- 110070,
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR.

For the Petitioner : Mr. K.N. Choudhury, Sr. Advocate.
Mr. K. Kalita, Advocate.

For the Respondent : Mr. G.N. Sahewalla, Sr. Advocate.
Mr. N. Anix Singh, Advocate.

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH
ORDER**

27.07.2023

The instant writ petition has been filed challenging the rejection of the techno-commercial bid of the Petitioner in respect to a tender by the GeM for and on behalf of the Respondent for "Hiring of Services for 3D Seismic Data Acquisition in NMONHP-20201 Narmada area for FS 2022-23".

2. The Petitioner have assailed the said rejection of the techno-commercial bid on the ground that the proviso to Clause-6 of the Tender Notice was not taken into consideration.

3. This Court vide order dated 31.05.2023 issued notice and as an interim measure provided that the financial bid in respect to Bid No. GEM/2022/B/2542603, dated 20.09.2022, on respect of item category "Custom Bid for Services- Hiring of Services for 3D Seismic Data Acquisition in NMONHP-20201 Narmada area for FS 2022-23" shall not be opened.

4. The Respondent pursuant to the said notice, appeared and filed a detailed affidavit-in-opposition. In the said affidavit-in-opposition, the territorial jurisdiction of this Court to entertain the writ petition has been questioned which touches on the maintainability of the writ petition.

5. The Petitioner had filed a reply to the said affidavit-in-opposition.

6. When the instant writ petition was taken up for hearing, this Court taking into account the judgment of the Supreme Court in the case of **Union of India**

Vs. Adani Exports Ltd. reported in **2002 (1) SCC 567** took up the question of maintainability of the writ petition on the ground of lack of territorial jurisdiction.

7. During the course of hearing, the learned Senior Counsel appearing on behalf of the Petitioner submitted that the Petitioner may be permitted to withdraw the instant writ petition and move an appropriate writ petition challenging the rejection of the techno-commercial bid before the Gujarat High Court, taking into consideration that the tender was in respect to Hiring of Services for 3D Seismic Data Acquisition in NMONHP-20201 Narmada area which falls exclusively within the jurisdiction of the Gujarat High Court. The learned Senior Counsel further submitted that the interim order dated 31.05.2023 which was passed by this Court be extended for a period of 10 days so that the Petitioner may approach the Gujarat High Court.

8. Mr. G.N. Sahewalla, the learned Senior Counsel appearing on behalf of the Respondent submits that he has no objection as regards the withdrawal of the writ petition and liberty given to the Petitioner to approach the Gujarat High Court. He however, submits that the Respondent shall not open the financial bid for a period of 10 days from today.

9. Taking into account the above, this Court closes the instant writ petition on withdrawal thereby granting liberty to the Petitioner to approach the Gujarat High Court challenging the rejection of the techno-commercial bid of the Petitioner. This Court further takes note of the undertaking given by the learned Senior Counsel appearing on behalf of the Respondent that the said Respondent shall not open the financial bid in respect to the tender in question for a period of 10 days from today.

10. With the above observations, the writ petition stands disposed.

JUDGE

Comparing Assistant