

GAHC010128492023



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

Case No. : I.A.(Civil)/1646/2023

TECHNIP ENERGIES INDIA LTD.
(FORMERLY TECHNIP INDIA LIMITED),
THROUGH ITS AUTHORIZED REPRESENTATIVE,
PRASHAT SHARMA,
S/O- BRIJ MOHAN SHARMA,
HAVING ITS OFFICE AT TECHNIP TOWER,
A-4, SECTOR-1,
NOIDA, UTTAR PRADESH- 201301.

VERSUS

THE UNION OF INDIA AND 3 ORS.
THROUGH MINISTRY OF PETROLEUM AND NATURAL GAS, A-WING,
SHASTRI RAJENDRA PRASAD ROAD, 110001, AZAD BHAWAN RD, IP
ESTATE, NEW DELHI, DELHI- 110002

2:NUMALIGARH REFINERY LIMITED
THROUGH ITS MANAGING DIRECTOR
HAVING ITS REGISTERED OFFICE AT 122A
G.S. ROAD
CHRISTIAN BASTI
GUWAHATI- 781005 AND ALSO HAVING OFFICE AT GOLAGHAT
NUMALIGARH
ASSAM
785699

3:M/S THYSSENKRUPP INDUSTRIAL SOLUTIONS (INDIA) PRIVATE
LIMITED
THROUGH ITS PROJECT PROCUREMENT MANAGER
SUSHANT DESHPANDE/ AMAR SONSALE
UHDE HOUSE
LBS MARG VIKHROLI (WEST)
MUMBAI- 400083
INDIA

4:G.R. ENGINEERING PROJECTS PRIVATE LIMITED
THROUGH GR ENGINEERING PROJECTS PVT. LTD.
366 DDA FLAT
BADARPUR
NEW DELHI 110044. (INCORRECTLY INCORPORATED IN WP(C)/96/2023)
HAVING CORRECT ADDRESS AT - HAVING REGISTERED OFFICE AT
POONAM CHAMBERS
A-WING
2ND FLOOR
DR. A.B. ROAD
WORLI
MUMBAI-400018
MAHARASHTR

Advocate for the Petitioner : MR. D DAS SR. ADV

Advocate for the Respondent : DY.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 13-06-2023

Heard Mr. D. Das, learned Senior Counsel assisted by Mr. A. Khanna, learned counsel for the applicant; Mr. N. Deka, learned counsel for the opposite party-respondent no. 2; and Dr. A. Saraf, learned Senior Counsel for the opposite party-respondent no. 3.

2. The instant interlocutory application has arisen out of a writ petition, W.P.[C] no. 96/2023. The writ petition, W.P.[C]no. 96/2023 was preferred by the applicant as the writ petitioner, challenging an order of the respondent Numaligarh Refinery Limited [NRL], whereby its price bid was rejected. The bidding process is for a contract-work : Development of Reactor and Regenerator [RXRG Package] for Numaligarh Refinery Expansion Project [NERP], issued by the respondent no. 2 through the respondent no. 3.

3. After hearing the learned counsel for the parties, the judgment in the writ petition, W.P.[C] no. 96/2023 has been reserved on 04.04.2023 and the judgment is yet to be delivered.

4. It is apposite to mention that on 30.01.2023, it was ordered, in the interim, by the Court while declining the prayer for interim relief prayed by the applicant-petitioner, that the bidding process for the contract-work challenged in the writ petition, shall be subject to further orders of the Court.

4. In this interlocutory application, it is averred that when the judgment in the writ petition is yet to be delivered, the respondent NRL has concluded with the bidding process by issuing a Letter of Acceptance [LoA] to the purported successful bidder on 08.06.2023. The said fact has not been denied by Mr. Deka, learned counsel representing the respondent NRL. It is submitted by the learned counsel for the respondent NRL that the issuance of LoA is in conformity with the interim order dated 30.01.2023. Mr. Deka, learned counsel representing the respondent NRL though has sought for an opportunity to file an objection while admitting the fact of issuance of the LoA on 08.06.2023, the said prayer is declined at this stage. It prima facie appears that with the issuance of LoA on 08.06.2023, which is passed before the judgment is pronounced in the writ petition, the bidding process for the subject-plot has been brought to a conclusion by selection of the successful bidder. In such obtaining fact situation, this Court is of the considered view that the respondent NRL authorities shall not take any further action on the basis of such LoA.

6. With the aforesaid observation, the interlocutory application is disposed of.

JUDGE

Comparing Assistant