

GAHC010292652023



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

Case No. : WA/471/2023

MUKAD POLY PRODUCTS AND ANR.
A PARTNERSHIP FIRM REGISTERED UNDER THE PARTNERSHIP ACT, 1932
HAVING ITS OFFICE SITUATED AT PLOT NO. 38, BRAHMAPUTRA
INDUSTRIAL PARK, VILLAGE SILA AMINGAON, 781031 DIST., KAMRUP,
ASSAM.

2: RISHI GUPTA
S/O LATE R.S GUPTA
RESIDENT OF F. A ROAD
KUMARPARA
GUWAHATI- 781001
ONE OF THE PARTNERS OF THE PETITIONER NO. 1 FIRM

VERSUS
UNION OF INDIA AND 5 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY
OF PETROLEUM AND NATURAL GAS, SHASTRI BHAWAN, NEW DELHI-
110001.

2:BHARAT PETROLEUM CORPORATION LIMTED
A GOVT. OF INDIA UNDERTAKING
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR
BHARAT BHAWAN
4 AND 6 CARRIMBHOY ROAD
BALLARD ESTATE
MUMBAI- 400001.

3:EXECUTIVE DIRECTOR
CENTRAL PROCUREMENT ORGANISATION (MKTG.)
BHARAT PETROLEUM CORPORATION LIMITED
A INSTALLATION
SEWREE FORT ROAD
SEWREE (EAST) MUMBAI- 400015.

4:THE EXECUTIVE DIRECTOR (PROJECTS)
GAS BU
BHARAT PETROLEUM CORPORATION LTD.
12TH FLOOR
F WING
MAKER TOWERS
COFFEE PARADE
MUMBAI- 400005.

5:THE PROCUREMENT LEADER
GRADE III.
BHARAT PETROLEUM CORPORATION LIMITED
BHARAT BHAWAN
4 AND 6
A INSTALLATION
SEWREE FORT ROAD
SEWREE (EAST)
MUMBAI- 400015.

6:GENERAL MANAGER (PROJECTS)
GAS
BHARAT PETROLEUM CORPORATION LTD.
A INSTALLATION
SEWREE FORT ROAD
SEWREE (EAST)
MUMBAI- 400015

Advocate for the Petitioner : DR. ASHOK SARAF

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

BEFORE

HON'BLE THE CHIEF JUSTICE (ACTING) MR. LANUSUNGKUM JAMIR

HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

O R D E R

21.12.2023

(L.S. Jamir, C.J(Acting))

Heard Dr. Ashok Saraf, learned Senior counsel assisted by Mr. P. Baruah, learned counsel for the appellants. Also heard Mr. K. Gogoi, learned counsel for the respondent No.1.

2. By an order dated 08.12.2023, the petitioner's firm was black listed by the authorities of Bharat Petroleum Corporation Limited for a period of 1(one) year. Being aggrieved with the order dated 08.12.2023, the appellants as writ petitioners preferred WP(C)/7421/2023. When the said writ petition was heard at the motion stage, the learned Single Judge was not inclined to pass any interim order, however it was directed that the same will be considered on the returnable date in the presence of the respondents. The next date for consideration of the interim is fixed on 05.01.2024.

3. The learned Senior counsel for that appellant submits that the petitioners firm has been black listed for a period of 1(one) year by the authorities of Bharat Petroleum Corporation Limited and submits that the black listing would have serious civil consequences upon the petitioner's firm and has relied in the case of *UMC technologies (P) Ltd. Vs. Food Corporation of India reported in (2021) 2 SCC 551*.

4. The learned Senior counsel also submits that the petitioner's firm has submitted bids in different departments in various parts of India. Therefore if the said order dated 08.12.2023 is not stayed, it would have a damaging effect on the petitioners' firm for the next 4(four) years.

5. On consideration of the materials available on record, we find that a show cause notice was issued on the petitioners' firm to which the petitioners' firm replied and thereafter the order dated 08.12.2023 was passed. As the writ

petition is still pending for adjudication before the learned Single Judge, we are not expressing any opinion on the merits of the case.

6. Further we find that the prayer for interim will be considered on 05.01.2024. In that view of the matter this writ appeal is disposed of directing that the bids of the petitioner's firm will not be rejected on the basis of the order dated 08.12.2023. Further, the petitioners' firm may also be permitted to submit fresh bids for other works and the order dated 08.12.2023 shall not come in the way of the petitioners' firm. However, this order shall be subject to the outcome of the decision of the learned Single Judge with regard to the interim order which is to be considered on 05.01.2024.

7. This appeal is accordingly disposed of.

JUDGE

CHIEF JUSTICE (ACTING)

Comparing Assistant