

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (C) NO. 1458 OF 2015**

1. M/s Jhajharia Nirman Limited, a Company duly incorporated under the relevant provisions of the Indian Companies Act, 1956, having its corporate office at 688, Shiv Nagar Ext., Tilak Nagar, New Delhi and working office at Jhajharia Mansion, Jagmal Block, Bilaspur (C.G.), represented through its Managing Director Shri Sushil Kumar Agrawal, S/o Shri Kanhaiya Lal Agrawal, aged about 50 years, R/o Jhajhariya Mansion, Jagamal Chowk, Bilaspur (C.G.)

2. Sushil Kumar Agrawal, S/o Shri Kanhaiya Lal Agrawal, aged about 50 years, Managing Director of M/s Jhajharia Nirman Limited, R/o Jhajhariya Mansion, Jagmal Chowk, Bilaspur (C.G.), Civil & Revenue District Bilaspur (C.G.)

... Petitioners**Versus**

1. South Eastern Coalfields Limited, Through: its Chairman-cum-Managing Director, Vasant Vihar Road, Seepat Road, Bilaspur (C.G.)

2. The RITES Limited, a Government of India Enterprise, through: its Group General Manager (Projects), Regional Project Office, 56, C.R. Avenue, 2nd Floor, Kolkata - 700012.

... Respondents

For Petitioners	:	Mr. B.P. Sharma and Mr. Manish Thakur, Advocates.
For Respondent No.1	:	Mr. K.K. Shrivastava, Advocate.
For Respondent No.2	:	Dr. N.K. Shukla, Senior Advocate, along with Mr. Shailendra Shukla, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Order on Board****Per NAVIN SINHA, C.J.****27/08/2015**

1. Heard Learned Counsel for the Petitioner, Respondent No.1 and Learned Senior Counsel for Respondent No.2.

2. The Petitioner was a bidder in response to a tender notice dated 17.7.2015 which inter-alia required furnishing of a bank guarantee in favour of the Engineer-in-charge of Respondent No.1. It is not in

controversy that the bank guarantee was furnished. But the Bankers of the Petitioner inadvertently addressed their communication in respect to the bank guarantee to Respondent No.2 instead of Respondent No.1, because tenders were invited by the former on behalf of the latter.

3. Today, an additional affidavit has been filed by the Petitioner enclosing a communication dated 26.8.2015 from its Bankers addressed to Respondent No.1 that the bank guarantee in question was factually in favour of Respondent No.1 and shall be honoured in case of its invocation by Respondent No.1.

4. Counsel for the parties are agreed that the Writ Petition itself may be disposed in terms of the letter of the Petitioner's Bankers, dated 26.8.2015, rendering the Petitioner eligible to be considered in accordance with law.

5. The Writ Petition stands disposed in the aforesaid terms.

**Sd/-
(Navin Sinha)
Chief Justice**

**Sd/-
(P. Sam Koshy)
Judge**