

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1285 of 2015**

M/s Singh Transporters A Partnership Concern Having Its Head Office At B-78, Shanti Nagar, Ameri Road, Near M.P.E.B. Power Station, Post Office Mangla, Bilaspur (Chhattisgarh)-495001, Through Its Partner, Shri Davinder Singh Kalra, S/o Late Shri Kartar Singh Kalra, Aged About 43 Years, R/o B-78, Shanti Nagar, Ameri Road, Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. South Eastern Coalfields Limited A Duly Constituted Company Under The Provisions Of The Companies Act, 1956, Being A Subsidiary Of Coal India Limited, Through Its Chairman-Cum-Managing Director, SECL Headquarter, Seepat Road, Bilaspur (Chhattisgarh)
2. General Manager, South Eastern Coalfields Limited, Bhatgaon Area, Post Office Bhatgaon Colliery, District Surguja (Chhattisgarh)
3. Sub-Area Manager, Mahan Sub-Area, South Eastern Coalfields Limited, Bhatgaon Area, District Surguja (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Amrito Das, Advocate.
For Respondents	:	Shri Shailendra Shukla, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Order on Board**Per Navin Sinha, Chief Justice****27/07/2015**

1. The Petitioner is stated to have been a successful bidder pursuant to a Notice Inviting Tender (hereinafter called 'the NIT') dated 6.11.2013. It is aggrieved for foreclosure of the contract on 4.6.2015 under clause 9.4 of the NIT.
2. Learned Counsel for the Petitioner submits that the foreclosure is arbitrary and not based on relevant or germane considerations. Even if the relationship is contractual if the action is arbitrary, the Court can examine it

under Article 226 of the Constitution. The Petitioner has represented on 17.6.2015. Non-consideration of the representation has necessitated the writ application.

3. Learned Counsel for the Respondents submits that without instructions he is not in a position to make any submission. It is pointed out that there is no evidence on record that the representation has in fact been given and on what date.

4. We have considered the submissions on behalf of the parties and are satisfied that it will not be appropriate exercise of jurisdiction to enter into the controversy at this stage. Undoubtedly, even in a contractual relationship, arbitrariness will not be countenanced and Article 14 can be invoked. But since the Petitioner claims to have represented before the authorities on 17.6.2015, the writ petition is disposed with the directions to consider its representation and dispose it by a reasoned and speaking order at the earliest. Conversely, if the Petitioner files a fresh representation, let it be considered in like manner and disposed in accordance with law.

5. It is expected that the Respondents shall dispose the representation expeditiously and not make it infructuous by pure inaction.

6. The writ application stands disposed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge