

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (C) NO. 2243 OF 2015

1. M/s Jhajharia Nirman Limited, A Company Duly Incorporated Under 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, Represented Through its Managing Director Shri Sushil Kumar Agrawal, S/o Shri Kanhaiya Lal Agrawal, aged about 50 years, R/o Jhajharia Mansion, Jagmal 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 Jhajharia Mansion, Jagmal Chowk, Bilaspur, 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, Advocate.
For Respondent No.1	:	Mr. K.K. Shrivastava and Mr. L. Varada Raju, Advocates.
For Respondent No.2	:	Dr. N.K. Shukla, Senior Advocate, with Shri 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.

22/12/2015

1. The Petitioners were intending bidders under tender notice dated 17.7.2015 for earth work in Railway formation including blanketing, construction of major and minor bridges etc., in District Korba, invited by Respondent No.1. They are aggrieved by order dated 8.12.2015 informing that their technical bid had been rejected as non-compliant because the qualifying criteria under Clause 2(a) accompanied by work

completion certificate was from KSK Mahanadi Power Company Ltd., which was not listed in NSE/BSE/Abroad. The listing submitted in favour of KSK Energy Ventures Ltd., was not relevant even if the latter was a holding company of the former as the two were distinct legal entities having separate juristic personality.

2. We have heard Counsel for the parties and in the nature of the order to be passed in view of the return filed today on behalf of Respondent No.1, it is not considered necessary to take notice of any further facts.

3. Respondent No.1 in its return, suffice it to state, has acknowledged that the grounds mentioned in the impugned order dated 8.12.2015 had not attained finality and it was still in the process of applying its mind to the same in view of certain subsequent developments.

4. The writ petition is therefore held to be premature at this stage as the communication dated 8.12.2015 cannot be said to have attained finality according to the Respondents themselves.

5. The writ petition is disposed in the aforesaid terms.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge