

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAW) No.954 of 2015 in
Writ Petition No.647 of 2015

*(Pradeep Kumar Khandelwal s/o. Late Bajranglal Khandelwal .vs. Union of India, through
Principal Secretary, Ministry of Coal, New Delhi)*

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr.A.N.Ansari, Adv. for the applicant/petitioner.
Mr.S.C.Mehadia, Adv. for respondent nos. 2 and 3..

CORAM : B.P.DHARMADHIKARI &
S.B.SHUKRE, JJ.

DATE : 8.5.2015.

Civil Application (CAW) No.954 of 2015

Heard.

As Mr.A.N.Ansari, learned Counsel could not remain present on 20.4.2015, we re-call the order dt.20.4.2015 and restore Writ Petition No.647 of 2015 back to file.

Writ Petition No.647 of 2015

Heard Mr.A.N.Ansari, learned Counsel for the petitioner.

We find that the respondents nowhere issued any communication to the petitioner informing him that he is disqualified. The work for which tender was invited has already commenced. Mr.A.N.Ansari, learned Counsel submits that orally the petitioner was informed by an Officer that as the petitioner

happens to be a partner in firm M/s.Khandelwal Transporters, the petitioner is found eligible. There is no such communication on record. Mr.M.N.Ansari, learned Counsel also wants to demonstrate that he has already retired from the said firm.

As the tender work has already started and the petitioner has not been blacklisted, we find that the controversy cannot be examined under Article 226 of the Constitution of India. Hence, with liberty to the petitioner to file such other proceedings as are open in law including suit for recovery of damages, we dispose of the present petition. No costs.

JUDGE

JUDGE

**jaiswal*