

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

WRIT PETITION NO.6548/2015

M/s P.P. Patel, Ahmadabad through its Power of Attorney Holder
...Versus...

The General Manager, (C.M.C.), Western Coal Fields Limited, Civil Lines, Nagpur
and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. R. Rai, Advocate for petitioner

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : 05.12.2015

By this petition, the petitioner has sought a declaration that the show-cause-notice of the respondent – Corporation, dated 11.8.2015 is null and void. The petitioner has sought a declaration that the termination of the contract by the respondent – Western Coalfields Limited is bad in law and the petitioner may be permitted to complete the incomplete work at the risk and costs of the petitioner so as to recover the balance consideration.

We are not inclined to entertain the writ petition filed by the petitioner for seeking the aforesaid relief. The petitioner is only served with a notice dated 11.8.2015 asking it to show cause as to why action should not be taken against it, as per the terms and conditions of the contract. It appears that it is the case of the respondent – Corporation that the petitioner had failed to complete the target as per the terms of the contract and had

excavated only 4,01,664 metric tons of OB (FD) against a target of 10,69,250 metric tons. It appears that there is a serious dispute in regard to the performance of the terms of the contract by the petitioner. We are not inclined to decide the issues involved in the writ petition in exercise of the writ jurisdiction, more so, when the petitioner has only challenged the show-cause-notice.

In the circumstances of the case, we dispose of the writ petition with no order as to costs. The petitioner is, however, free to avail the appropriate remedy. The points raised in the petition are kept open.

JUDGE

JUDGE

Wadkar