

\$~58,59,60,61,62, 63, 64

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1502/2015 & CM 2647/2015
+ W.P.(C) 1505/2015 & CM 2663/2015
+ W.P.(C) 1506/2015 & CM 2665/2015
+ W.P.(C) 1507/2015 & CM 2667/2015
+ W.P.(C) 1509/2015 & CM 2673/2015
+ W.P.(C) 1510/2015 & CM 2675/2015

SARDA ENERGY AND MINERALS LTD.

..... Petitioner

Through: Mr Ratan K. Singh with Mr Suraj Prakash,
Mr Akshay Malhotra, Mr J.K. Choudhary, Mr Shashi
Bhushan and Mr Jai Pratap

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr Akshay Makhija with Ms Shrestha Jain,
Ms Aastha Jain and Ms Devanshi Singh

AND

+ **WP(C) 1508/2015 & CM No.2670/2015**

USHA MARTIN LTD.

..... Petitioner

Through : Mr P. Chidambaram, Sr Advocate with
Ms Shally Bhasin, Ms Karan Luthra, Ms S. Mukherjee,

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr Akshay Makhija with Ms Shrestha Jain,
Ms Aastha Jain, Ms Devanshi Singh and Mr Kirtiman
Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

13.02.2015

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CM Nos.2648/2015, 2664/2015, 2666/2015, 2668/2015, 2671/2015, 2672/2015, 2674/2015 and 2676/2015

Allowed subject to all just exceptions.

W.P.(C) Nos. 1502/2015 & CM 2647/2015, W.P.(C) 1505/2015 & CM 2663/2015, W.P.(C) 1506/2015 & CM 2665/2015, W.P.(C) 1507/2015 & CM 2667/2015, W.P.(C) 1509/2015 & CM 2673/2015, W.P.(C) 1510/2015 & CM 2675/2015, WP(C) 1508/2015 & CM 2670/2015

1. In all these writ petitions, a common issue has been raised and that is with regard to the inclusion of the end-use coal requirement of a subsidiary with that of the main bidder.

2. We have heard the arguments at length on this issue and also examined the clarification to query No.17 issued on 14.01.2015. We have also examined Rule 20 of the Coal Mines (Special Provisions) Rules, 2014 as also the Coal Mines (Special Provisions) Second Ordinance, 2014 and, in particular, Section 4 thereof. On a conjoint reading of all the provisions as also the clarification, it appears to us that the end-use coal requirement of subsidiaries, which are not joint ventures, cannot be considered for calculating the end-use coal requirement of the bidder.

3. With this clarification, the bids of the petitioners in these writ petitions may be examined and only the end-use requirement of the EUP holder shall be considered, unless, of course, there is a joint venture.

The writ petitions stand disposed of.

Dasti under the signatures of the Court Master.


BADAR DURREZ AHMED, J


SANJEEV SACHDEVA, J

FEBRUARY 13, 2015
Kb/dutt