

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 38 of 2016**

M/s Bihar Construction Company (A Proprietorship Firm), Through : Mahendra Singh Khalsa, Proprietor Of The Firm Having Their Registered Office And Works At H I G 1 Housing Board Colony, Jamnipali, Darri Road, Korba (Chhattisgarh)

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through : Secretary, Department Of Energy, Mahanadi Bhavan, Naya Raipur, Raipur Chhattisgarh.
2. N. T. P. C. Ltd. Through : Chairman And Managing Director ( C. M. D.), Scope Complex, 7- Institutional Area, Lodi Road, New Delhi 110003
3. N. T. P. C. Ltd. Through : General Manager ( C & M) Western Region 1, Headquarters, Samruddhi Venture Park, 2nd Floor, M I D C, Marol, Andheri ( E), Mumbai 400093
4. N. T. P. C. Ltd. Through : Additional General Manager/ Deputy General Manager ( C & M) Western Region 1, Headquarters, Samruddhi Venture Park, 2nd Floor, M I D C, Marol, Andheri ( E), Mumbai 400093
5. N. T. P. C. Ltd. Wester Region- 1, Headquarters, Through General Manager ( C & M), Korba Thermal Power Station, Vikas Bhavan, Jamnipali, Dist. : Korba, (Chhattisgarh)

**---- Respondents**

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Shri Devershi Thakur, counsel for the petitioner/s.  
Shri Satish Gupta, Govt. Advocate for the State / respondent No.1.  
Shri B.D.Guru, counsel for respondents 2 to 5.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**09/05/2016**

The petitioner has filed this petition aggrieved by order dated 22/12/15 by which, he has been blacklisted.

2. Faced with the arguments of the maintainability of the petition on the ground of existence of alternative remedy as provided under Clause 5.11 of Policy and Procedures for Withholding and Banning of Business Dealing, learned counsel for the petitioner submits that a memo of appeal addressed to the competent

appellate authority namely Chairman and M.D., NTPC Ltd., Scope Complex, New Delhi was submitted in the office at Korba for being forwarded but it was not accepted saying that the petitioner is not an agency.

3. Learned counsel for the NTPC submits that the ground of so called rejection is not correct. The appeal memo directly addressed to CMD may not be accepted in any other office.

4. In order to make the remedy of appeal effective and meaningful, if in the concerned office, wherefrom the petitioner was dealing, memo of appeal is submitted, it should have been accepted and then forwarded to the competent authority.

5. Accordingly, it is directed that if the petitioner re-submits the memo of appeal before respondent No.5, an acknowledgment of receipt shall be issued and memo of appeal shall be forwarded to the competent authority. The petitioner may also directly send the same under Registered Post with acknowledgment due to the competent authority.

6. With the liberty to the petitioner to take recourse to appropriate remedy in case, his grievance is not redressed, this petition is disposed off.

**Sd/-**

**(Manindra Mohan Shrivastava)**  
**Judge**