

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No. 495 of 2016

Progressive Mining Products, Through its proprietor, Ramesh Kumar Shrivastav, son of Late Sitaram Prasad Shrivastav, aged about 76 years of age, office and residence- Devnandan Nagar, Phase-1, Near Mourya Garden, P.O. SECL, P.S. Sarkanda, Tehsil and District Bilaspur, Chhattisgarh

---- Petitioner

Versus

SECL, Through its CMD, H.O. Bilaspur, P.O. SECL, P.S. Sarkanda, Tehsil and District Bilaspur, Chhattisgarh)

---- Respondent

For Petitioner	: Shri Dilip Swain, Advocate
For Respondent	: Shri Vaibhav Shukla, Advocate

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per Navin Sinha, Chief Justice

25/2/2016

1. The present writ application has been filed assailing the show cause notice dated 18.12.2015 issued by the Respondent why it should not suspend business dealing with the Petitioner for using unfair means to obtain supply order dated 12.1.2012 under NIT dated 9.12.2011 floated by SECL, Chirmiri Area for supply of paints and varnishes.

2. Learned Counsel for the Petitioner submits that though reply has been filed on 7.1.2016, the authorities have still not considered the same even after passage of nearly a month and half. It is next submitted that though it is described as a show cause notice, it is presumptive in nature displaying a closed mind evident from the last paragraph simultaneously suspending all business dealings with the Petitioner for six months without an opportunity to show cause much less any consideration of the same.

3. Learned Counsel for the Respondent relies upon the Purchase Manual to submit that it is permissible under Clause 4.7.1.

4. Since the Petitioner has already filed its reply to the show cause, leaving open the larger question of a presumptive suspension for a period of 6 months even before consideration of the cause shown reflecting a partial closed mind as alleged, it is directed that the Respondents shall decide the cause shown by the Petitioner within a maximum period of 45 days from the date of receipt and/or production of a copy of this order before them.

5. In the event that the Respondent propose to pass an order adverse to the Petitioner, they are required to pass a reasoned and speaking order disclosing full application of mind, to the show cause notice, the cause shown and consideration of the same.

6. The writ application is disposed in the aforesaid terms.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE