

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2245 of 2016**

Ms./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 (Maharashtra)
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 (Maharashtra)
5. N.T.P.C. Ltd., Western Region-1, Headquarters, Through General Manager (C & M), Korba Thermal Power Station, Vikas Bhavan, Jamnipali, Distt. Korba, (Chhattisgarh)

---- Respondents

For Petitioner : Shri Devershi Thakur, Advocate.
 For Respondent/State : Shri Prafull N Bharat, Additional Advocate General.
 For Respondent/NTPC : Shri B.D.Guru and Shri S.S.Baghel, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Sanjay K. Agrawal, J.

Order on Board**Per Deepak Gupta, Chief Justice****05/09/2016**

1. This writ petition deserves to be rejected at the threshold. The Respondents-NTPC invited Notice Inviting Applications (for short 'the NIA') for enlistment of contractors for Ash Dyke Raising Civil Works Package for Thermal Power Projects / Stations of NTPC on 30.12.2013. The Petitioner-Company applied for enlistment for the said work. The application for enlistment of the Petitioner-Company was made through one Surendra Pal Singh alongwith the

the certified copies of the balance sheet for the Financial Year 2011-12, 2012-13 and 2013-14.

2. On the basis of the aforesaid balance sheets, the Petitioner M/s. Bihar Construction Company was enlisted for Ash Dyke Raising Civil Works Package for Thermal Power Projects with the Respondent-NTPC. On scrutiny, it was found that all the balance sheets were forged.

3. It is now submitted that this scrutiny was done because of a communication dated 15.01.2015 sent by Shri Mahendra Singh Khalsa, father of Surendra Pal Singh. M/s. Bihar Construction Company is stated to be a proprietorship firm with Mahendra Singh Khalsa as its sole proprietor. It was he who had executed the Power of Attorney in favour of his son namely Surendra Pal Singh and Surendra Pal Singh had filed the forged balance sheets. Till date, the Power of Attorney in favour of Surendra Pal Singh has not been cancelled.

4. In any event, once Mahendra Singh Khalsa had issued Power of Attorney in favour of his son, he cannot now urge that his son had committed a crime and therefore, he should not be penalized. The principal is bound by the acts of his agent and this principle is well established under the law of contract. It is not disputed that the balance sheets which have been furnished were forged. Therefore, we see no reason why the Respondent-NTPC should be compelled to have any business dealing with the Petitioner and their action in blacklisting the Petitioner is fully justified.

5. We find no merit in this petition. It is dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay K. Agrawal)
Judge