

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 605 of 2016**

M/s Sarvamangla Construction Company A Partnership Firm Through Its Partner
Namely Ashish Kumar Agrawal, S/o. Shri Raj Kumar Agrawal, Aged About 32
Years Having Its Registered Office At 106 T.P. Nagar Stadium Road, Korba
District Korba, Chhattisgarh, P.S. And Post Korba, Civil And Revenue District
Korba (Chhattisgarh)

---- Petitioner**Versus**

1. South Eastern Coalfields Limited (A Mini Ratna Company), Contract
Management Cell, S.E.C.L. Bhawan, Seepat Road, Bilaspur. Through : Its
General Manager (C M C), S.E.C.L., Bilaspur, District Bilaspur (Chhattisgarh)
2. General Manager (CMC), South Eastern Coalfields Limited, (A Mini Ratna
Company), Contract Management Cell, S.E.C.L. Bhawan, Seepat Road,
Bilaspur, District Bilaspur (Chhattisgarh)
3. Director (T) (Oprn), South Eastern Coalfields Limited, (A Mini Ratna Company),
Contract Management Cell, S.E.C.L. Bhawan, Seepat Road, Bilaspur, District
Bilaspur (Chhattisgarh)
4. Staff Officer (Mining), Korba Area, South Eastern Coalfields Limited, Office Of
The General Manager, Korba Area, District Korba (Chhattisgarh)
5. M/s. Vinay Kumar Upadhyay, A Proprietorship Firm, Through : Its Proprietor,
Vinay Kumar Upadhyay, S/o. M.N. Upadhyay, Aged About 40 Years, R/o.
Duman Hill Colliery, Post Office Sonwani, P.S. Chirmiri, Tahsil Khadgawan, Civil
And Revenue District Korea (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Manoj Paranjpe, Advocate.
For Respondent/SECL	:	Dr. N.K.Shukla, Senior Advocate with Shri Vinod Deshmukh, Advocate.

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

Judgment on Board

Per Navin Sinha, Chief Justice

09/03/2016

1. The Petitioner is one of the bidders pursuant to notice inviting tender dated 23.12.2015 by the Respondents for hiring of tippers for transportation of coal. It is aggrieved by communication dated 13.2.2016 and the bid submission confirmation report dated 17.2.2016 rejecting its technical bid on the ground that banning of business with it, euphemistically described as blacklisting, was under process.
2. Counter-affidavit has been filed on behalf of Respondents. It states that a show cause notice was issued to the Petitioner on 28.1.2016 and reply has been filed on 19/20.2.2016. The Petitioner has also preferred Writ Petition (C) No. 505 of 2016 and certain interim orders have been passed therein on 25.2.2016.
3. We have perused the order dated 25.2.2016 which prohibits the Respondents from taking a final decision in the matter during pendency of the writ petition.
4. The orders dated orders dated 13.2.2016 and 17.2.2016 rejecting the technical bid of the Petitioner, at this stage have for all practical purposes been rendered ineffective by the interim order dated 25.2.2016 in Writ Petition (C) No. 505 of 2016 and their validity will ultimately have to be abide by the final order that may be passed in Writ Petition (C) No. 505 of 2016.
5. The writ application is disposed.

Sd/-
 (Navin Sinha)
CHIEF JUSTICE

Sd/-
 (P. Sam Koshy)
JUDGE