

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2414 of 2016

- M/s Vivek Enterprises Through Its Proprietor Shri Vivek Kumar Singh, S/o Shri B. D. Singh, Aged About 41 Years, R/o Ward No.9, Shanti Nagar, Dipka, District Korba (C.G.) Civil & Revenue District Korba, (Chhattisgarh)

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through Its Chairman-Cum- Managing Director, Seepat Road, Bilaspur, (Chhattisgarh)
2. The General Manager (MM/HOD, SECL, Seepat Road, Bilaspur, (Chhattisgarh)

---- Respondents

For Petitioner	Shri Prashant Jaiswal, Senior Advocate with Shri Ashutosh Shukla, Advocate
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For Respondent-SECL	Shri R. K. Gupta, Advocate
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Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

27/10/2016

1. This petition under Article 226 of the Constitution of India has been preferred to assail the legality and validity of the show cause notice dated 03.08.2016 (Annexure-P-2), whereby the respondent-SECL has required the petitioner to show cause as to why it may not be blacklisted for having submitted false/forged documents along with its Offer

No.VE/Q/SECL/14-15/104 dated 14.08.2014 as also for willfully suppressing facts and using unfair means in relation to some other documents mentioned in the show cause notice.

2. It is argued that the writ petition has been preferred even without conclusion of the proceedings because the entire business dealings with the petitioner has been suspended with immediate effect including all subsisting contracts/supplies for a period of 6 months from the date of issuance of the order, therefore, it is not only a show cause notice but it is a final order also and the entire issue is prejudged and predetermined.
3. Shri R. K. Gupta, learned counsel for the respondent-SECL, would submit that the business dealings with the petitioner has been suspended as an interim measure to protect the interest of the SECL and not by way of final order. He would further submit that this interim order is qua the relationship between the petitioner and the respondents only.
4. In view of the above, since this petition has been preferred against the show cause notice, ends of justice would be served if the respondents are directed to take final decision in the matter after considering the reply submitted by the petitioner. Let the petitioner submit its reply to show cause notice within a period of 15 days from today. On such reply being made, the respondent-SECL shall take the final

decision within a further period of 3 weeks after submission of the reply.

5. It is made clear that while taking final decision in the matter, the respondents shall act in a fair and reasonable manner and shall not be impressed or prejudiced by the interim measure, which it has taken in the last paragraph of the impugned show cause notice.
6. Accordingly, the writ petition stands disposed of.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

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