

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 903 OF 2017

Seftech India Pvt. Ltd.

..Petitioner.

Vs

Export Import Bank of India & Anr

..Respondents.

Mr. Zubin Behram Kamdin a/with Sajeed Mulani I/by Mulani & Co. for the petitioner.

Mr. Charles D'Souza a/with Ms. Aneesa Cheema I/by VERUS for Respondent No.1.

Mr Pranil Sonawane a/with N.R. Bhumkar for Respondent No.2.

Mr. Vishal Kanade a/with Ms. Kirtida Chandarana I/by Mehomosh J. Humranwala for Respondent No.4.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **July 24, 2018.**

P. C. :

1. By this petition, the petitioner is challenging the decision of respondent No.1 refusing to pre-qualify it for bidding as EPC/Turnkey Contractor for Package-I of the Republic of Congo Project. The learned Counsel for the petitioner does not dispute that Respondent Nos.3 and 4 were qualified for Package-I of the Congo Project.

2. The Republic of Congo has awarded contract for Mining development and equipment supply to the respondent No. 3

Package-I of Mining Development of 600 TPD Cement Factory, at Djibouti contract value of USD 8500000 and pursuant thereto the following developments have taken place:-

1. Requisite contract documents were executed between the Republic Congo and Respondent No.3;
2. The Mining Project has been included in the line of Credit of Exim Bank of India ("**Exim Bank**") by Exim Bank's letter dated 27th March, 2018.
3. Respondent No.3 has already provided Advance Payment Bank Guarantee and Performance Bank Guarantee for USD 850,000 each to the Government of Republic of Congo.
4. A Line of Credit has also been established by the Government of Republic of Congo for a contract value of USD 8,500,000.
5. Respondent No.3 has claimed an advance of USD 850,000 and submitted documents to Exim Bank for the claim.
6. Respondent No.3 has already made supplied mining equipment of the value of USD 3,826,470 and completed services and raised invoices for various site services as per Contract for the value of USD 255,000.

3. In the light of the above, we are not inclined to entertain the petition. The petition is devoid of merit. The petition is dismissed.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]