

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM :

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.3545 of 2011
and
M.P. Nos. 1 of 2011 &
7423 of 2016

M/s. Vivek Industrial Corporation
Rep. By its Proprietor
Babulal Bohra

..Petitioner

Vs.

Steel Authority of India
Salem Steel Plant
Salem - 636 013
Tamil Nadu.

..Respondent

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records in E-auction SR No.1111 dated 25.01.2011 on the file of the respondent and consequently quash the order dated 07.02.2011.

For Petitioner : Mr. Kumarpal R.Chopra

For Respondent : Mr.A. Ilango

O R D E R

This Writ Petition is filed to quash the E-auction Notice issued in SR No.1111 dated 25.01.2011 by the file of the respondent .

2. The learned counsel for the petitioner would submit that the petitioner was the H-1 bidder in the e-auction held on 25.01.2011 by the respondent. The petitioner's bid was rejected

on the ground that the petitioner being the Proprietor of another concern M/s. O.K. Metal & Alloys, has been debarred to participate in the auction of the respondent, till 04.10.2011. The Auction Committee rejected the petitioner's bid, since the petitioner is also the proprietor of the concern which has been debarred from participating in the respondent Company auctions for one year viz. Till 04.10.2011. According to the petitioner, the rejection of the bid of the petitioner is illegal and the same is liable to be quashed. Hence this writ petition has been filed.

3. The respondent has filed the counter affidavit and an additional counter affidavit was filed dated 11.11.2018, was filed before this Court. In the additional counter affidavit, the respondent would submit that at the time of admission, on 14.02.2011, an order of status-quo was granted by this Court and therefore the respondent did not proceed further with the auction. Subsequently, the case was posted for final hearing on several occasions. Since the petitioner failed to appear for hearing on 22.01.2017, the matter was posted for dismissal on 24.01.2018. Again on 01.02.2018, the Writ Petition was dismissed for non-prosecution. Hence, the respondents disposed of the entire 11 lots of about 123.5 MT material, as detailed below :

Sl. No.	Date	Details	Lot	Quantity MT	Nature of Disposal
01.	08.03.2018	Sold in e-auction SR No.1812 held on 08.03.2018	5	60.20	Fresh e-auction
02.	23.03.2018	Charged in to Steel Melting Shop (SMS)	4	40.80	Changed in to Furnace
03.	04.04.2018	Charged in to Steel Melting Shop (SMS)	2	22.50	Changed in to Furnace
Total			11	123.50	--

4. From the aforesaid facts, it is clear that the entire materials brought for auction has been either sold or charged in the respondent's Steel Melting Shop furnace. The petitioner has not challenged the subsequent auction notice. Hence, at this stage, no adjudication is required in this petition.

5. In view of the above, the Writ Petition is dismissed as infructuous. However, it is left open to the petitioner to

raise the issue involved in the present case before the appropriate forum. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

+1cc to Mr. A.Ilango, Advocate, S.R.No. 83904
+1cc to Mr. Ramesh Kumar Chopra, Advocate, S.R.No. 84065

W.P.No.3545 of 2011
and
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SSD(CO)
GN(04/02/2019)