

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1380 of 2016**

- Royal Infraconstru Limited A Company Incorporated Under The Provisions Of The Companies Act, 1956, Having Its Office At Godrej Waterside Building, Tower No. I, 4th Floor, Salt Lake, Sector- V, Kolkata 700 091, Through Mr. Sudip Bhowmick, S/o Ashim Bhowmick, Aged About 36 Years, In The Capacity Of Manager (Legal), Having Its Office At Godrej Waterside Building, Tower No. I, 4th Floor, Salt Lake, Sector- V, Kolkata 700 091.

---- Petitioner**Versus**

1. Union of India Through Secretary, Ministry Of Railways, Rail Bhawan, New Delhi
2. Rites Limited A Govt. Of India Enterprises Through Chief Project Manager Rites L T D, Office At Regional Project Office 40/424, Rajshree House, First Floor, Near S B I Kotra Road, Raigarh, District Raigarh, P I N 496001
3. Rites Limited A Govt. Of India Enterprises Through Chairman And Managing Director Rites Ltd., Office At Rites Bhawan- 1, Sector- 29, Gurgaon, Hariyana, India P I N 122001

---- Respondents

For Petitioner	:	Shri Saumitra Sen, Sr. Adv. With Shri Hemant Gupta, Advocate
For Respondent No.1	:	Shri D.L. Dewangan, Advocate appears on behalf of Shri Abhishek Sinha, Advocate
For Respondent No.2	:	Shri R.R. Sinha, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/08/2019**

1. Heard.
2. The instant petition is filed for the following reliefs:-

- i) That the Hon'ble court may kindly be pleased to direct the Resp. No – 2 to refund the earnest money, in the interest of justice.
- ii) That the Hon'ble court may kindly be pleased to quash the orders dated 22-02-16 and the order dated 09-05-16, in the interest of Justice.
- iii) That this Hon'ble Court may graciously be pleased to admit the matter & issue a writ in the nature of Mandamus commanding the respondents particularly the Resp. no/2 and each of not to take any steps or further steps in terms of the impugned order dated 9th May, 2016 passed by the Appellate Authority of the Resp. no/2.
- iv) That this Hon'ble Court may graciously be pleased to issue a writ in the nature of Prohibition prohibiting the respondents particularly the Resp. no/2 and each of them from taking any corrosive steps or further steps in terms of the impugned order dated 9th May, 2016 passed by the Appellate Authority of the Resp. no/2.
- v) That this Hon'ble Court may graciously be pleased to issue a writ in the nature of certiorari calling upon the respondents and/or their men, agents and/or subordinates to certify and transmit to this Hon'ble Court all records relating to the instant case so that the same may be perused by Your Lordships and conscionable justice may be done.
- vi) That the Hon'ble court may kindly be please to issue Rule NISI in terms of the prayers above.
- Vii) That the Cost of and incidental to this application/petitioner be paid by the respondents.
- Viii) Any other relief / direction(s) order(s) which deemed to be fit under the facts and circumstances of the case.

3. It is contended that initially after the withdrawal from the tender process because of the fault of one of the employee, the company instead of locking horns with the respondent, admitted the same and acceded to forfeiture of the earnest money and baning period which was for two years was subsequently reduced from two years to one year. It is the further contention that during the banning period the petitioner was also been able to participate in different tenders. Consequently, at the moment the petition has become infructuous.

4. In view of the above fair submission made by learned counsel for the petitioner,

the petition is disposed of as infructuous as the initial banning period of one year has lost its life with the passage of time.

Sd/-

Goutam Bhaduri
Judge

Ashu