

2 11.2.2021

gd/ssd

MAT 782 of 2020
with
CAN 1 of 2020
and
WPA 7031 of 2020
(Through Video Conference)

Eastern Coalfields Limited & Ors.
Vs.
M/s. SATYAM-MMB-CRN (JV) & Ors.

Mr. Shiv Shankar Banerjee,
Ms. Sanchita Barman Roy,
Mr. Santanu Chatterjee, Advocates
..for the Appellants. First
one present in virtual mode
and others present in Court.

Mr. Piush Chaturvedi
Mr. Anujit Mookherji, Advocates
..for the Respondents. Present in Court.

This order will dispose of MAT 782 of 2020 and
WPA 7031 of 2020, involving same issue and taken up
with the consent of the parties.

The appeal has been filed against the interim
order dated November 19, 2020 passed by the learned
Single Judge in WPA 7031 of 2020.

The writ petitioner had approached the court
challenging the action of the appellants herein whereby
his bid for extraction and transportation of coal was
rejected and his earnest money forfeited. Besides that
the writ petitioner was banned for participation in any
tendering process for a period of one year.

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The learned Single Judge vide impugned order dated November 19, 2020 had restrained the appellant from issuing work order to the successful bidder and also stayed the communication vide which the writ petitioner was debarred from participating in any tendering process for a period of one year.

The aforesaid order is under challenge in the appeal.

At the time of hearing the learned counsel for the respondent No.4 submitted that he does not wish to press the relief prayed for in the writ petition regarding rejection of his bid. He will only press for the relief regarding ban imposed on him for a period of one year for participation in any tendering process, the same being in violation of principles of natural justice. He further submitted that his claim for refund of earnest money is also required to be reconsidered. As the amount was forfeited while passing the order banning the writ petitioner from participation in the tendering process for a period of one year.

The learned counsel for the appellants fairly submitted that as far as the imposition of ban on the writ petitioner for participation in the tendering process for a period of one year and forfeiture of earnest money

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is concerned, the appellants will follow the guidelines issued for the purpose and pass a fresh order after affording opportunity of hearing to the writ petitioner.

The impugned communication dated August 17, 2020 may be treated as withdrawn with liberty to the competent authority to pass a fresh order after affording opportunity of hearing to the writ petitioner.

In view of the aforesaid stand taken by learned counsel for the appellants, the learned counsels for both the parties submitted that even the writ petition filed by the respondent No.1 can be taken up and disposed of.

The department concerned is directed to list WPA 7031 of 2020 in the Supplementary Cause-List of this court today.

In view of the submissions as noticed above and the stand taken by the learned counsels for the respondent/writ petitioner whereby challenge to the rejection of the bid of the writ petitioner has been withdrawn and as far as imposition of ban on him for participation in the tendering process for a period of one year and forfeiture of the earnest money is concerned, the impugned communication dated August 17, 2020 having been withdrawn by the appellant with liberty to

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initiate fresh proceedings against the writ petitioner in terms of the guidelines issued for the purpose of, we dispose of the appeal and the writ petition while permitting the appellant to withdraw the impugned communication dated August 17, 2020 with liberty to initiate fresh proceedings for imposition of ban for participation in the tendering process and also regarding forfeiture of the earnest money. The needful be done within three months from the date of receipt of the copy of the order.

(Rajesh Bindal, J.)

(Aniruddha Roy, J.)

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