

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) NO. 1831/2019

1. Varahi Associates, through its
Partner Subhash Singh, having its
registered office at 11, Bhagat
Complex, Agrasen Marg, Kharsia,
District Raigarh – 496661,
Chhattisgarh
2. Prawin Kumar Pandey,
Partner, Varahi Associates, having
its registered office at 11, Bhagar
Complex, Agrasen Marg, Kharsia,
District Raigarh – 496661,
Chhattisgarh

..... PETITIONER(S)

// VERSUS //

1. Western Coalfields Limited,
Through the Chairman-cum-
Managing Director, Coal Estate,
Civil Lines, Nagpur – 440001,
Maharashtra
2. Western Coalfields Limited,
Through the Sub-Area Manager,
Sasti Sub-Area, Ballarpur Area,
P.O. Sasti, Tahsil Rajura, District
Chandrapur – 442906, Maharashtra
3. The General Manager (Vigilance),
Western Coalfields Limited,
Coal Estate, Civil Lines,
Nagpur 440001, Maharashtra
4. Union of India, Through the Secretary,
Ministry of Coal, Shastri Bhawan,
Dr. Rajendra Prasad Road,
New Delhi – 110001.

.... RESPONDENT(S)

Shri C.B. Dharmadhikari, Advocate for the petitioners
Mr. K.N. Shukul, Advocate for respondent nos. 1 to 3
Ms. Meghna Munshi, Advocate for respondent no. 4

CORAM : A.S. CHANDURKAR AND AMIT B. BORKAR, J.J.

DATED : 06/06/2022

ORAL JUDGMENT : (PER:- A. S. CHANDURKAR, J.)

Rule. Rule made returnable forthwith. Heard the learned counsel for the parties.

2 The grievance raised by the petitioners in this writ petition is with regard to withholding an amount of Rs.4,62,00,000/- (Rupees four crore and sixty two lakh) which the petitioners claim to be entitled pursuant to the work carried out by petitioners in response to the tender notice issued by the respondent nos. 1 to 3 for transportation, loading and unloading of coal at the sites mentioned in the tender notice. According to the petitioners on successful completion of the work in question, petitioners were entitled to receive their dues under the contract. However, on 20.11.2018 the respondents nos. 1 to 3 informed the petitioners that since there was non-compliance with regard to certain issues relating to wages and social security measures to be taken by the petitioners, their bill for an amount of Rs.4,62,00,000/- (Rupees four crore and sixty two lakh) would be withheld. Being aggrieved, the

petitioners have approached this Court. This Court while issuing notice had passed *interim* order on 04.03.2019 directing the respondent nos. 1 to 3 to continue with the process of adjudication of the petitioners' grievance with regard to non-release of its dues as per Clause VI of the tender conditions/notice.

3. Today, attention is invited to the communication dated 12.04.2022 wherein the respondent nos. 1 to 3 have called upon the petitioners to submit requisite documents and participate in the adjudicatory process. The learned Counsel for the respondent nos. 1 to 3 submits that in response to the aforesaid communication the petitioners have still not submitted necessary documents to justify their entitlement.

4. The learned Counsel for the petitioners submits that necessary documents to be submitted before the respondent nos. 1 to 3 are now available and within a period of two weeks from today all necessary documents would be submitted to the respondent nos. 1 to 3.

5. In the light of the aforesaid, the interests of justice would be met by directing the petitioners to place before the respondent nos. 1 to 3 all necessary documents to enable the adjudication of their entitlement in terms of Clause VI of the tender document/notice as indicated in the communication dated 12.04.2022. On submission of such documents, the respondent nos. 1 to 3 shall consider the same in accordance with

the tender conditions and take decision thereon. It is open for the said respondents to grant an opportunity of hearing to the petitioners by issuing notice in that regard. The documents on which the petitioners seek to rely shall be submitted within a period of fifteen days from today. Necessary decision on the same be taken expeditiously by respondent nos. 1 to 3 within a period of four weeks from the date of receiving the entire documents from the petitioners.

6. Needless to state that if the grievance of the petitioners still survives after such adjudication, they are free to take further legal recourse in accordance with law. All points raised in the writ petition are kept open.

7. Rule is made absolute in the aforesaid terms with no order as to costs.

(AMIT B. BORKAR, J.)

(A.S.CHANDURKAR, J.)

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