

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (W) NO.821 OF 2022
IN
WRIT PETITION NO.2055 OF 2021

{Gupta Freight Carrier ...**Versus**... The Executive Director (FCI) and Anr.}

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri. S. M. Vaishnav, Advocate for Petitioner.

Shri. S. R. Deshpande, Advocate for Respondent.

CORAM : SUNIL B. SHUKRE AND
SMT. M. S. JAWALKAR, JJ.

DATE : 27th APRIL, 2022.

Heard.

2. By this application, the Applicant has made the following prayers :

“i) Allow the application and clarify that the order of blacklisting dated 02.03.2021 cannot be said to be in operation w.e.f. 02.03.2021 till the decision is taken by the respondent F.C.I. as directed by this Hon’ble Court, with kind consideration and in the interest of justice and fair play.

ii) Allow the application and further clarify that even though the order dated 02.03.2021 to the extent of terminating the contract or forfeiting the earnest money is upheld by this Hon’ble Court as the applicant did not wanted to continue with the contract in question, the same will not come in the way of the applicant from participating in other public tenders and will not be a disqualification for

such participation, with kind consideration and in the interest of justice and fair play.”

3. These prayers, if granted would virtually amount to sitting in appeal over the judgment delivered by this Bench of which, one of us was a member. What has not been expressly granted by this Court and what has not been expressly considered by this Court has to be taken as rejected by necessary implication. Thus, we find that no ground has been made out for reconsideration of the judgment in question.

4. Civil Application No.821 of 2022 is rejected.

(JUDGE)

(JUDGE)

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