

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

Writ Petition No.5554/2021

M/s CJ Darcl Logistics through it's General Manager-
 Sushil Kumar Agarwal, Aged about 66 years,
 Occ.-Service, having registered office at DARCL House,
 Plot No.55, P. Sector-44,
 Institutional Area, Gurugram, Harayana
 Email ID:sushil.agarwal@cjdarcl.com.

...Petitioner.

Versus

1. Western Coalfields Limited,
 through its Chairman and Managing Director,
 Wani North Area, Bhalar Township, P.O. Bhalarpur,
 Tah. Wani, Dist-Yeotmal (M.S.) P.I.N. 445 304
 Tel. No.07239-241341 & 241343, Fax No.07239-241357.

2. Western Coalfields Limited,
 through Area General Manager, Wani North Area,
 Bhalar Township, P.O. Bhalarpur, Tah. Wani,
 Dist-Yeotmal (M.S.) P.I.N. 445 304
 Tel. No.07239-241341 & 241343, Fax No.07239-241357.

3. Western Coalfields Limited,
 through Staff Officer (Mining), Wani North Area,
 Bhalar Township, P.O. Bhalarpur, Tah. Wani,
 Dist-Yeotmal (M.S.) P.I.N. 445 304
 Tel. No.07239-241341 & 241343,
 Fax No.07239-241357.

...Respondents

 Mr. S.P. Bhandarkar, Advocate for petitioner.
 Mr G.E. Moharir, Advocate for respondents.

**CORAM : A.S. CHANDURKAR &
 PUSHPA V. GANEDIWALA, JJ.**
DATE : 02-02-2022.

Oral Judgment (Per- A.S. Chandurkar, J.)

Rule. Rule made returnable forthwith and heard learned
 Counsel for the parties.

2. The challenge raised in this petition is to the order dated 07-12-2021 passed by the Area General Manager, Wani North Area, Western Coalfields Limited thereby banning the petitioner firm from doing any business with the Western Coalfields Limited for a period of two years.

3. It is submitted by the learned Counsel for the petitioner that the order dated 07-12-2021 is liable to be set aside on various counts especially the fact that the basis on which such order of banning has been passed has no legal support and absence of material in that regard. It is also submitted that against the aforesaid order the petitioner has preferred an appeal before the Chairman and Managing Director.

4. After notice was issued in the Writ Petition the respondents have filed their reply opposing the prayers made in the Writ Petition. It is however submitted that the appeal preferred by the petitioner challenging the banning order dated 07-12-2021 is still pending and the same would be decided in accordance with law. It is also informed that on 07-01-2022 the Western Coalfields Limited has invoked the bank guarantee that was furnished by the petitioner.

5. During pendency of the present proceeding interim orders were passed by virtue of which the name of the petitioner-Firm was removed from the list of blacklisted firms on the website of Coal India

Limited and the Western Coalfields Limited was restrained from taking any coercive steps in that regard. This interim direction has been thereafter continued and the same operates even today.

6. Considering the fact that the appeal preferred by the petitioner before the Chairman and Managing Director for challenging the banning order is pending, the interests of justice would be met by issuing the following directions:

- (a) The Chairman and Managing Director-Appellate Authority shall decide the appeal preferred by the petitioner firm against the banning order dated 07-12-2021 within a period of three weeks from today. The appeal shall be decided on its own merits and in accordance with the law without being influenced by the interim arrangement referred to above.
- (b) Till the said appeal is decided and for a further period of one week from the date of the order to be passed by the Appellate Authority, the interim arrangement that was made pursuant to the orders dated 07-01-2022 and 14-01-2022 shall continue to operate without prejudice to the rights and contentions of the parties in case such adjudication is adverse to the rights of the petitioner-Firm.

7. All points raised on merits are kept open.

8. Writ Petition is disposed of in aforesaid terms. Rule
Accordingly. No costs

(Pushpa V. Ganediwala, J.)

(A.S. Chandurkar, J.)