

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22189 of 2011

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Shailesh Kumar, Son Of Bishundeo Prasad Resident Of Mohalla - Jawahar
Nagar Near Old Patna Bus Stand, Nawada, P.O., P.S. and District - Nawada

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Petroleum,
Government of India, New Delhi.
2. The Hindustan Petroleum Corporation Ltd., Registered Officer, 17
Jamshedji Tata Road, Mumbai
3. The Deputy General Manager, Lpg Sbu, East Zone, Hindustan Petroleum
Corporation Ltd., Industry Hous 7th Floor, 10 Camac Street, Kolkata -
700017 West Bengal
4. Swapan K Saha, Senior Manage, Engineering And Purchase Lpg Sbu East
Zone, Hindustan Petroleum Corp
5. The Regional Manager Lpg , Patna Lpg Regional Officer, Hindustan
Petroleum Corporation Ltd, Lok Na

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Bohra, Advocate
For the Respondent/s : Mr. Rabindra Nath Kanth, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 18-05-2023

Heard learned counsels for the respective parties.

2. In the instant petition, petitioner has prayed for the
following relief/reliefs:

“(I) For Quashing/setting aside the Tender
contained in Tender No.EZ-LPG/10-11/007 of dated
10.11.10 invited for transportation of packed LPG
cylinder from Purnea and Barauni LPG Plant.



(II) For quashing the order-dated 16.08.2011 passed by the Respondent No. 4 (Annexure – 3) whereby the petitioner has been disqualified from the tender process and the entire earnest money Deposit a sum of Rs. 2,10,000/- has been forfeited.

(III) For any other relief/reliefs for which the petitioners would be found entitled under the facts and circumstances of the case.”

3. No interim order has been granted insofar as staying the operation of NIT, therefore, subject matter of NIT dated 10.11.2010 has spent its force, therefore, what remains in the present petition is whether petitioner is entitled to refund of EMD amount or not?

4. EMD amount is stated to have been forfeited on the score that petitioner was disqualified. In this regard, petitioner is at liberty to invoke the arbitration clause. Accordingly, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(A. Abhishek Reddy , J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	20.05.2023
Transmission Date	

