



W.M.P.No.35730 of 2023

in

W.P.No.35236 of 2023

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KRISHNAN RAMASAMY, J.

This miscellaneous petition is filed to implead the petitioner herein as the party respondent in the main Writ Petition.

2. Heard Mr.Abdul Saleem, learned Senior counsel for the impleading petitioner and the learned counsel for the respondents.

3. The reason for filing the Writ Petition is due to the termination letter issued by the Gujarat State Electricity Corporation Limited (in short 'GSECL') on 08.10.2021, because, in the previous occasions, the petitioner-company has participated in the tender process initiated by Karnataka Power Corporation Limited (in short 'KPCL'), however, their bid was rejected citing termination of contract by GSECL has terminated the contract with the petitioner-company.

4. Subsequently, when the petitioner-company has approached the Hon'ble High Court of Karnataka against the rejection of bid by the KPCL, the following interim order has been passed:

“.....

The grievance is that, this would be projected in future tenders. Therefore, as and when the tenders are notified this cannot be projected to be the reason, but however, since no tender is now notified, the petitioner is at liberty to move the Court in the event, any tender notification is issued.



.....”

5. Therefore, in view of the above, the said termination letter dated 08.10.2021, should not be considered, as it is only an order of termination of contract and by virtue of such termination, the persons/bidders are neither banned nor blacklisted from participating in the tender process and subsequent to the said interim order, the petitioner-company has restricted the relief only to the extent of termination letter issued by GSECL on 08.10.2021, the question of impleading the petitioner herein, as 3rd respondent in the main Writ Petition does not arise as their rights are not going to be affected in any way, since the respondent is going to consider the bid on merit.

6. Accordingly, this Miscellaneous Petition stands dismissed.

21.12.2023
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Note: Issue order copy on today i.e., 05.01.2024.

KRISHNAN RAMASAMY, J.



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