

D/L 4
20.01.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 1370 of 2025

M/s. IDL Explosives Limited & Ors.

Vs.

Union of India & Ors.

Mr. S.N. Mukherjee, Sr. Adv.
Mr. Suvrajyoti Mukherjee
Mr. Neelesh Choudhury
Ms. Anuradha Podder

...for the Petitioners.

Mr. Indrajeet Dasgupta
Ms. Puspita Bhowmick

...for the Union of India.

Mr. Ayan Poddar
Mr. Sohan Dutta
Ms. Khusboo Ruia

...for the respondent nos. 2 & 3.

1. Affidavit of service filed in Court today is taken on record.
2. The petitioners are aggrieved by the order of banning the petitioners for award of contract/order by Coal India Limited or its subsidiaries for a period of two years communicated to the petitioners vide communication dated 2nd July, 2024.
3. Learned senior counsel representing the petitioners refers to the Purchase Manual, 2020 published by the Coal India Limited. The clauses relating to banning/debarment of business, period of banning/debarment, procedure for banning/debarment have been placed before this Court.
4. It has been submitted that, there is provision for filing a prayer for appeal or representation seeking withdrawal or modification of the order of banning. The petitioners availed such opportunity by filing a representation before the Chairman of Coal India Limited on 18th July, 2024; the same has not been considered till date.

5. The petitioners have categorically denied that false declaration was given by them. It has been submitted that, as the order of debarment is also applicable in respect of the subsidiaries of Coal India Limited, accordingly, a further show-cause notice ought to have been issued; the same has not been done.
6. It has further been submitted that, the petitioners are the only supplier of Cartridge Explosives & Accessories. There are not more than three eligible firms in the said group and, accordingly, as per the Purchase Manual, the clause for debarment ought not to have been invoked. There is a provision to pragmatically analyze the circumstances and, thereafter, take necessary steps; the same has not been done.
7. Prayer has been made to permit the petitioners to participate in the future bidding process.
8. The submissions of the petitioners have been denied by the learned advocate representing the Coal India Limited. The prayer sought for has been opposed.
9. It has been submitted that, the petitioners have supplied false information to obtain the subject tender. The petitioners submitted bid as Class-I Local Supplier only for obtaining preference. He does not fall within the said class.
10. Be that as it may, as it appears that the request made by the petitioners seeking review of the order of ban is pending consideration before the Chairman, Coal India Limited for a considerable period of time, accordingly, without entering into the merits of the instant writ petition, the same is disposed of by directing the Chairman, Coal India Limited to decide upon the request made by the petitioners strictly in accordance with the prevailing guidelines, upon giving the petitioners an opportunity of hearing to place documents in support of their stand, at the earliest, but positively within a period of four weeks from the date of communication of this order. A

reasoned order shall be passed and communicated to the petitioners immediately thereafter.

11. In the meantime, if any NIT is published, then the petitioners may be permitted to submit their bid and the fate of the bid submitted by the petitioners will be subject to the fate of the representation filed by the petitioners seeking review of the order of ban.

12. The writ petition stands disposed of.

13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)