

ASR 35.
Ct. no. 24.
2.09.2025

WPA 13992 of 2025

**M/s Sarada Construction
Vs.
Indian Oil Corporation Ltd. & Ors.**

**Mr. Amlan Jyoti Sengupta
Mr. Subrata Ghosh**

.....For the petitioner

**Mr. Amit Kumar Nag
Ms. Rishita Sarkar**

.....For the State

Report in the form of affidavit (in two volumes) on behalf of the respondent nos. 1, 2 and 3 be taken on record.

Petitioner approaches this court challenging the action of the respondent authority regarding orders of termination of contract as well as putting the petitioner in a “holiday list”.

There are two separate orders by the concerned authority which is under challenged before this court.

In passing a detailed order, this court on 11th August, 2025 has already hold that the respondent authority has committed no illegality or mala fideness in passing the orders of termination as well as the order putting the petitioner under holiday list. However, this court directed the respondent authority to apprise whether there is a provision to challenge the order of

holiday list as it contained some technical points to be dealt with by a specified technical persons.

In response to such query of this court the respondent authority placed on record report in two volumes.

Mr. Amit Kumar Nag, appearing on behalf of the respondent authority submits that the tender document has specifically mentioned the reasons for putting a party on holiday list.

The details of holiday list guideline of Indian Oil Corporation Limited has properly described in the portal named www. IOCL.com.

In the second volume annexure C the holiday listing guideline of IOCL has been specifically demonstrated.

In Clause 6 of the said guideline read as follows:

“ Appeal and Review of holiday period (Delisting from holiday list within the holiday period:

a) Appeal :

The holiday listed party may file an appeal along with a non-refundable fees of Rs. 10,000/- before the Appellate Authority against the Speaking Order for Holiday Listing. Non-refundable fees to be paid by the way of a Demand Draft in favour of Indian Oil Corporation Limited. Such an appeal shall be preferred within one month from the date of Holiday Listing Order.

b) Review:

Suo moto, review of holiday period (delisting from holiday list within the holiday period) shall be done in exceptional cases and in the interest of the Corporation

only with the approval of the Appellate Authority.”

On plain perusal of the said guideline it appears that the party put under holiday list may file an appeal along with a non-refundable fee Rs. 10,000/ (rupees ten thousand) before the appropriate Appellate Authority against speaking order of holiday list.

In this case the court has already held that the correctness and validity of the order passed by the respondent authority putting the petitioner under holiday list cannot be dealt with by this court.

Thus it appears to me appropriate to relegate the matter before the Appellate Authority for decision afresh in respect of putting the petitioner in holiday list.

It further appears that the petitioner has approached this court in a writ jurisdiction. This court is not Appellate Authority against the order of the respondent authorities. Thus the petitioner has approached this court though not within reasonable time but I think it necessary for the ends of justice the petitioner should be allowed to file an appeal before the appropriate authority.

Accordingly the petitioner is directed to file such appeal along with non-refundable fees as mentioned in the above mentioned Clause itself before the Appellate Authority within four weeks from date.

On such filing of this appeal within the specified period herein above, the Appellate Authority shall condoning accept the appeal by the delay in preferring the appeal under Section 14 of Limitation Act.

However, after submission of the appeal the concerned appellate authority shall dispose of the appeal according to the Clause 6 of the said guideline.

I make it clear that this court has not entered into the merit of this matter of holiday listing, the Appellate Authority shall dispose of the appeal according to law without being influenced by any observation of this court.

Under the above observation the instant writ petition is disposed of.

[Subhendu Samanta, J]