

GAHC010047132022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1740/2022

M/S B R STEEL CORPORATION
REP. BY ITS BOTH THE PARTNERS NAMELY- 1. OM PRAKASH JAISWAL,
S/O. LT. NAVRANG PRASAD JAISWAL AND BIJAY KUMAR JAISWAL, S/O.
OM PRAKASH JAISWAL, OFFICE ADDRESS- 98, MANICKTALA AIN ROAD,
SATINSEN SARANI LANE-A, PLOT NO.18, NEAR ELECTRIC METER ROOM,
KOLKATA- 700054

VERSUS

THE UNION OF INDIA AND 3 ORS
TO BE REP. BY THE SECRETARY, MINISTRY OF COMMUNICATION, GOVT.
OF INDIA, NEW DELHI-110001.

2:BHARAT SANCHAR NIGAM LTD. (BSNL)

TO BE REP. BY THE DIVISIONAL GENERAL (PROJECT) GUWAHATI
CN(TX)NE REGION
BSNL
GUWAHATI-01.

3:THE DIVISIONAL ENGINEER (TP) CN(TX)NE REGION

BSNL
GUWAHATI-01.

4:MSTC LTD.

TO BE REP. BY THE BRANCH MANAGER/AUTHORIZED PEERSON
GUWAHATI BRANCH
MSTC
BSNL EXCHANGE BUILDING
BELTOLA
BASISTHA ROAD WIRELESS GUWAHATI

Advocate for the Petitioner : MR. M H LASKAR

Advocate for the Respondent : SC, BSNL

**BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

10.03.2022

Heard Mr. M. H. Laskar, learned counsel for the petitioner and Ms. R. M. Sarma, learned counsel appearing on behalf of Mr. H. Gupta, learned CGC for the respondent No. 1.

The respondent BSNL on 20.10.2021 issued E-Auction Sale Notice inviting bids from eligible bidders for the lot of 176 numbers of 12 Fibre (Fibre Distribution Frame) made of cast iron weighing 52 Kgs each together with 6 numbers of STM 16 MADM sub rack, made of cast iron, weighing 30 Kgs each at its location at Satgaon Telephone Exchange, Guwahati, Assam. Pursuant to the said E-Auction Sale Notice, the petitioner participated in the said bid. As the petitioner was found to be the highest bidder, the respondent BSNL on 09.12.2021 issued the delivery order to him.

It is stated that finding the said 12 Fibre (Fibre Distribution Frame) made of cast iron weighing less than 52 Kgs though in the Sale Notice it was notified as 52 Kgs, the petitioner did not lift the articles and for the same, the respondent BSNL on 09.12.2021 directed the petitioner to lift the store against the said auction within 7 (seven) days on payment of 1% "Ground Rent" per week or part thereof indicating that failure on his part to lift the same, necessary action will be taken against him as per terms and conditions of MSTC tender.

Since the petitioner did not lift the said lot, the respondent BSNL by its final notice to the petitioner dated 30.12.2021 instructed him to lift the auctioned materials on payment of "Ground Rent" from the departmental store within next 7 (seven) working days from the date of issuance of the said notice indicating that failure on its part, no further claim shall be entertained whatsoever and the materials shall be re-auctioned to vacate the space of the departmental store as per policy of BSNL.

It is stated by the petitioner that the respondent BSNL issued a fresh E-Auction Notice for the said lot for which tomorrow (i.e., 11.03.2022) at 11:00 AM is the opening date and 3:30 PM by tomorrow (i.e., 11.03.2022) is the closing date and time for such auction.

Being aggrieved, the petitioner has preferred this writ petition.

Issue notice, returnable by **4 (four) weeks**.

As Mr. H. Gupta, learned CGC has accepted notice on behalf of the respondent No. 1, no formal notice need be issued to the said respondent.

Petitioner shall serve requisite extra copies of this petition along with the annexures appended thereto to Mr. H. Gupta, learned CGC by tomorrow, i.e., 11.03.2022, obtaining necessary acknowledgment from him in that regard.

Petitioner shall take steps for service of notice on the respondent Nos. 2 to 4 by registered post with A/D by tomorrow, i.e., 11.03.2022, providing their proper and correct addresses with requisite postal stamps.

It is seen that last two notices dated 09.12.2021 and 31.12.2021 to the petitioner was sent by the respondent BSNL through email. Further, petitioner did not state that those were not received on time. However, the petitioner has filed this petition only on 08.03.2022.

Considering the same, the Court is not inclined to pass any interim order as prayed for by the petitioner.

However, it is made clear that any such decision for the fresh E-Auction Sale Notice of the concerned lot in terms of the E-Auction Sale Notice dated 25.02.2022 issued by the respondent BSNL shall be subject to the outcome of this writ petition.

List accordingly.

JUDGE

Comparing Assistant