

GAHC010047132022



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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, MR. S ROY

Advocate for the Respondent : SC, BSNL, MR G GOSWAMI,MR H GUPTA,ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

28.04.2025

On the prayer made by Mr. S. Roy, learned counsel for the petitioner, list this matter on **30.04.2025**.

2. The matter pertains to the E-auction Notice inviting bids from eligible bidders, for lifting of cast iron weighing 52 kgs each. The petitioner was L1 in pursuance to the E-auction Notice dated 20.10.2021. However, the petitioner did not lift the said material, despite final notice being issued to the petitioner on 30.12.2021. It is also the case of the petitioner that the entire/final price of the material had also been submitted by the petitioner in pursuance to the E-auction Notice dated 20.10.2021. The petitioner had not lifted the material on the ground that the cast iron did not weigh 52 kgs each, as has been reflected in the tender notice.

3. On the other hand, in the subsequent E-auction Notice dated 18.02.2022, which pertains to auctioning the same material that had been auctioned in the earlier E-auction Notice due to the petitioner not lifting the same, the petitioner had participated in the second E-auction Notice as well. There also the petitioner was L1.

4. The respondents' case is that though the petitioner had paid the final price with regard to the earlier E-auction Notice, the petitioner has not paid the final price for the second E-auction Notice. The petitioner has however paid the security deposit with regard to the second E-auction Notice.
5. The petitioner will have to explain as to why it has participated in the re-auctioning of the same material, which it had not lifted earlier, if the material did not weigh 52 kgs each.
6. List the matter on **30.04.2025**.

JUDGE

Comparing Assistant