

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

D.B. Spl. Appl. Writ No. 616/2022

The Rajasthan State Mines And Mineral Ltd.

----Appellant

Versus

Kapil Lignite

----Respondent

For Appellant(s) : Mr. Abhishek Mehta

For Respondent(s) : Mr. Trilok Joshi

**HON'BLE MR. JUSTICE VIJAY BISHNOI
HON'BLE MR. JUSTICE UMA SHANKER VYAS
Order**

24/08/2022

Mr. Trilok Joshi has put in appearance on behalf of the respondent No.1. Since the respondent No.2 is formal party, notice need not be issued to it. Service is, therefore, complete.

Learned counsel for the appellants has submitted that in the writ petition, the respondent No.1 has essentially challenged the condition whereby, it was debarred from participating in E-auction process of selling Lignite. It is argued that the learned Single Judge without looking into the legality of the action of the appellants of debarring the respondent No.1 has ordered for handing over the balance of the material i.e. Lignite. Learned counsel has also submitted that a similar condition of debarring the respondent No.1 and other similarly situated bidders was also challenged before the High Court at Jaipur Bench by way of S.B. Civil Writ Petition No.91/2022 and other connected writ petitions and the learned Single Judge of this Court and the Bench at Jaipur have held the condition valid.

Learned counsel has submitted that in such circumstances, the direction given by the learned Single Judge in the impugned judgment of allowing the appellant to lift the Lignite from the balance of material is illegal.

Learned counsel for the respondent No.1 prays for some time to file reply to the appeal.

Taking into consideration the above facts and circumstances of the case, the effect and operation of the impugned order passed by the learned Single Judge shall remain stayed till the next date.

List on 20.09.2022 in the hearing category.

Learned counsel for the respondent is free to pray for vacation of this order on the next date of hearing.

(UMA SHANKER VYAS),J

(VIJAY BISHNOI),J

12-1/-Danish/Keshav

