

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.10757/2001

(From the judgement and order dated 06/06/2001 in CWP 2990/2001  
of The HIGH COURT OF DELHI AT N. DELHI)

TEXMACO LTD.

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With prayer for interim relief)

( With Appln(s). for exemption from filing c/c of the impugned Judgment )

Date : 17/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. K.K. Venugopal, Sr. Adv.  
Mr. M.L. Lahoty, Adv.  
Mr. O.P. Khaitan, Adv.  
Mr. Paban K. Sharma, Adv.  
Mr. K.V. Vishwanathan, Adv.  
Mr. Himanshu Shekhar, Adv.

For Respondent (s) Mr. Kirit N. Raval, ASG  
(For RR-2) Mr. R.K. Joshi, Adv.  
Mr. Sushil Kumar Jain, Adv.

(For RR-3) Mr. Rakesh Dwivedi, Sr. Adv.  
Mr. Pramod Dayal, Adv.  
Mr. Atanu Mukherjee, Adv.  
Ms. Lipika Sharma, Adv.  
  
Mr. SWA Qadri, Adv.  
Mrs. Anil Katiyar, Adv.

UPON hearing counsel the Court made the following  
O R D E R

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.SP2

A writ petition (C.W.P. No. 2990/2001) has been filed by the petitioner seeking a writ, order or direction to respondent No. 2 to revoke/cancel notification of award dated 1.5.2001 arising out of contract dated 29.1.2001 in favour of Respondent No. 3, M/s. Hindustan Engineering & Industries Ltd. Alongwith ...2/-

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the writ petition, an application for interim relief was also filed. The writ petition has been admitted to hearing by the High Court. It is awaiting adjudication there. The High Court vide order dated 6.6.2001 refused to grant interim relief. This special leave petition has been filed against refusal to grant the interim relief.

In the counter-affidavit filed by the contesting respondents in this Court, it has been stated that a formal agreement has already been entered into between respondent No. 2 and respondent No. 3 on 7.6.2001, after refusal of grant of stay by the High Court. It is also stated that NOA has been issued in favour of respondent No. 3, M/s. Hindustan Engineering & Industries Ltd. after clearance by the World Bank.

Mr. K.K. Venugopal, learned senior counsel appearing for the petitioner vehemently argued about the alleged non-eligibility of respondent No. 3, M/s. Hindustan Engineering & Industries Ltd. to be given the contract and urged that grant of contract is against public interest. He wanted us to look into the merits of the entire issue raised in the writ petition but we must decline that invitation. It would not be proper for us to go into merits of the writ petition which is pending adjudication in the High Court. In this special leave petition, at this stage, we are only concerned with the question whether the refusal of stay by the High Court after admission of the writ petition suffers from such irregularity or illegality which may render the exercise of discretion by the High Court as either perverse or unreasonable or illegal. After hearing Mr. K.K. Venugopal ...3/-

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Venugopal at length we do not find that any fault can be found with the discretion exercised by the High Court in refusing stay on 6.6.2001. The special leave petition, therefore, merits dismissal. We hasten to add that we are not expressing any opinion on the merits of the writ petition as any such expression may prejudice the case of either party. The arguments which Mr. K.K. Venugopal have addressed or the contentions raised by the petitioner in the special leave petition or in the rejoinder filed in this Court, are available to be raised in the High Court and the High Court would consider all those pleas as and when raised on their own merits uninfluenced by the dismissal of special leave petition by this Court.

Keeping in view the nature of controversy and high stakes involved, it would be appropriate that the writ petition is heard and disposed of by the High Court as expeditiously as possible. Learned counsel for the parties assure us that they will complete pleadings in the High Court within 10 days. After doing so, we permit learned counsel for the petitioner to make a mention to Hon'ble the Chief Justice of the High Court for fixation of an early date of hearing of the writ petition. We hope that the matter would be heard as far as possible within six weeks by the High Court and we request it to do so.

With the aforesaid observations the special leave petition is dismissed. No costs.

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(Ajay Kr. Jain)  
Court Master

(Prem Prakash)  
Court Master