

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(s).25631-25632/2009

(From the judgement and order dated 15/09/2009 in MAT No. 710/2009 & MAT No. 711/2009 & CAN No. 6800/2009 & CAN No. 6840/2009 of The HIGH COURT OF CALCUTTA)

KEC INTL. LTD.

Petitioner(s)

VERSUS

BSNL & ORS.

Respondent(s)

(With appln(s) for permission to place addl. documents on record, PERMISSION TO ACCEPT LENGTHY LIST OF DATES and prayer for interim relief)

Date: 27/11/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Ashok Desai, Sr. Adv.
Mr. Amit Sibal, Adv.
Mr. Ajay Bhargava, Adv.
MS. Vanita Bhargava, Adv.
Mr. Susmit Pushkar, Adv.
M/S. Khaitan & Co., Adv.

For Respondent(s) Mr. Gopal Subramaniam, SG,
Mr. Abhinav Mukherji, Adv.
Mr. Gaurav Sharma, Adv.

Mr. Mukul Rohtagi, Sr. Adv.
Mr. Sandeep Narain, Adv.
Mr. Shri Narain, Adv.
M/S. S. Narain & Co., Adv.

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

After hearing extensively the learned senior counsel appearing for the parties on the questions raised, we find

that the tendering process introduced by the BSNL appears to be reasonable and we do not find any illegality having been

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committed in the decision making process.

We do not wish to

go into the technicalities of the matter.

However, we are

convinced that there was no substantial difference

Schedule

of Requirements dated 31.1.2007 and the subsequent Schedule
of Requirements dated 6.9.2008. We accept the statement
made by Mr. Gopal Subramaniam, learned Solicitor General of
India to that effect. According to him, if there were
variations, they were only minor and not substantial.
However, we reject the contention of the petitioner that any
illegality was committed in declaring the respondent herein
as the lowest bidder. We do not wish to interfere with the
well considered judgment and the findings recorded by the
Division Bench of the High Court on the factual aspects.
The Special Leave Petitions are, accordingly, dismissed.

(Shashi Sareen)
Court Master

(Shashi Bala Vij)
Court Master