

ITEM NO.12

COURT NO.1

SECTION IV-C

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 (C) No.6110/2024

(Arising out of impugned final judgment and order dated 14-02-2024 in WPC No. 4967/2023 passed by the High Court of Chhatisgarh at Bilaspur)

MAA BHAGWATI CONSTRUCTION

Petitioner(s)

VERSUS

STATE OF CHHATTISGARH & ORS.

Respondent(s)

(With I.R. and IA No.62257/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.62258/2024-EXEMPTION FROM FILING O.T.)

Date : 18-03-2024 This petition was called on for hearing today.

CORAM :

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA**

**For Petitioner(s) Mr. Siddharth Dave, Sr. Adv.
Mr. Ashutosh Ghade, AOR
Mr. Anand Dadariya, Adv.
Mr. Nimit Bhimjiyani, Adv.
Ms. Sneha Balapure, Adv.**

For Respondent(s)

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

- 1 The petitioner instituted writ proceedings before the High Court of Chhattisgarh, aggrieved by a communication dated 7 October 2023

terminating a contract for the construction of a jail building at Bilaspur. The termination was on the ground that the petitioner lacked the requisite experience in terms of the tender requirements.

- 2 Having considered the judgment of the High Court, we are of the considered view that the ultimate conclusion to reject the petition can be sustained on the ground that recourse to the jurisdiction under Article 226 of the Constitution was not warranted since disputed questions of fact arise. At the same time, we are of the view that it would be appropriate to leave open all the rights and remedies of the petitioner, in which event, the observations of the High Court in the impugned order will not come in the way of the petitioner in pursuing such remedies as are available in law.
- 3 Subject to the above clarification, the Special Leave Petition is disposed of.
- 4 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar