

(2021) 09 KL CK 0016

In the High Court Of Kerala

Case No : Writ Petition (C) No.17585 Of 2021

Anil Enterprises @Hash Assistant General Manager (Pv) Bharat Sanchar Nigam Limited

Date of Decision : 01-09-2021

Acts Referred:

Citation : (2021) 09 KL CK 0016

Hon'ble Judges : P.B.Suresh Kumar, J

Bench : Single Bench

Advocate : N.N.Sugunapalan, S.Sujin, Premjith Nagendran

Final Decision : Disposed Of

Judgement

P.B.Suresh Kumar, J

1. Petitioner was awarded a franchisee-ship by the Bharat Sanchar Nigam Limited (BSNL) for its Neyyattinkara territory and he has been given a communication requiring to complete the formalities relating to the execution of documents by 12.06.2021. Ext.P9 order has now been issued by the second respondent debarring the petitioner from participating in the tenders of BSNL alleging that they have not complied with the direction aforesaid and the said conduct has caused huge loss to BSNL. Ext.P9 order is under challenge in the writ petition.

2. When this matter was taken up, the learned Standing Counsel for BSNL pointed out that the petitioner has preferred a representation against Ext.P9 order before the first respondent, and the petitioner was informed by the first respondent that the competent authority to examine the correctness of orders in the nature of Ext.P9 is the third respondent. It was also pointed out by the Standing Counsel that the petitioner has so far not preferred any representation against Ext.P9 order before the third respondent.

3. Having regard to the facts and circumstances of the case, I am of the view that it is only appropriate that the third respondent examines the sustainability of Ext.P9 order before the writ petition preferred by the petitioner for the said

purpose is entertained, as the matter relates to a commercial decision taken by BSNL.

In the circumstances, the writ petition is disposed of permitting the petitioner to prefer a representation against Ext.P9 before the third respondent within three days, and directing the third respondent to consider and pass appropriate orders thereon within a week thereafter, after affording the petitioner an opportunity of hearing. The petitioner shall furnish in the representation their e-mail id and the third respondent is directed to issue notice of the hearing through e-mail to the petitioner. It is made clear that the opportunity of hearing ordered to be given to the petitioner in terms of this judgment can be through video conferencing. Needless to say, until a decision as directed above is taken by the third respondent, proceedings in terms of Ext.P10 shall not be finalised.