

(2005) 06 JH CK 0003
In the Jharkhand High Court
Case No : LPA No. 344 of 2005

J.P. Steel Udyog

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 21-06-2005

Acts Referred:

Citation : (2005) 4 JCR 262

Hon'ble Judges : Altamas Kabir, C.J;R.K. Merathia, J

Bench : Division Bench

Advocate : V.P. Singh, M. Kumar, A.K. Sinha, L. Murmu and A.K. Shekhar, for the Appellant; Delip Jerath and S.N. Prasad and Anil Kumar Sinha, for the Respondent

Judgement

1. This matter had been considered on an earlier occasion, when after production of the order sheet in respect of the tender invited by the Jharkhand State Electricity Board, it was noticed that the price bid of the respondent No. 4 was sought to be opened after the price bid of other eligible competitors had already been opened. It was noticed further that the price bid of the respondent No. 4 was directed to be opened on instruction of the Chairman-cum-Managing Director of the Board.

2. Having regard to the above and in order to obviate any kind of allegation with regard to the tender process, we had requested Mr. Jerath appearing for the Board to take instruction with regard to the tendering process as such. Today, when the matter is taken up, it is submitted by him that the Board has decided to re-tender the articles in respect of which present NIT was invited.

3. In our view, having regard to the controversy which has arisen and in order to secure the highest bid, the suggestion made by Mr. Jerath, on instruction from his client, appears to be the proper course of action to be taken in the instant case. In such circumstances, we dispose of the matter with leave to the Jharkhand State Electricity Board to re-tender the items in question through the agency of the Metal Scrap Trading Corporation, a Government of India

undertaking, specialized in dealing in such matters, but with the specification that the same should be under the proper supervision of the Senior Law Advisor, Jharkhand State Electricity Board, in order to prevent any future heartburn.

4. The appeal is disposed of accordingly and the order of the learned Single Judge is modified to the said extent. There will be no order as to costs.

5. Let copies of this order be made available to the learned counsels appearing for the parties.