

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.2572 OF 2020  
(@ out of SLP (CIVIL) No.6766/2020**

**ORISSA STATE WAREHOUSING CORPORATION & ORS.**

**Appellant(s)**

**VERSUS**

**M/S JASODA ROADLINES & ORS.**

**Respondent(s)**

**O R D E R**

**Leave granted.**

**This appeal challenges the order dated 29.04.2020 passed by the High Court of Orissa at Cuttack in W.P.(C)No.11405 of 2020.**

**The following orders are under challenge in the writ petition:-**

- (a) Order of suspension issued on 22.04.2020.**
- (b) Order of termination of contract issued on 25.04.2020.**

**The respondent herein was awarded nine contracts for nine different regions for handling and transportation of food grains of different depositories of the appellant corporation by the Food Corporation of India.**

**After issuance of show cause notice, the appellant had suspended the contract on 22.04.2020.**

**The response was filed by the respondent on 23.4.2020, whereafter, a Committee was appointed which went into the matter.**

The appellant thereafter issued the order of termination dated 25.4.2020.

According to the respondent, the rice from only one truck out of 38 trucks which were loaded on 21.04.2020 pertaining to only one order out of nine orders was not found to be of the requisite quality.

In the submission of the respondent, the orders of suspension and termination were therefore not called for.

While entertaining the writ petition filed by the respondent seeking to challenge the orders of suspension and termination, the High Court by its order dated 29.4.2020 passed interim directions as under:

"Taking into consideration the exigency of pandemic of COVID-19, as an interim measure, it is directed that the petitioner shall be allowed to operate the contract except the Warehouse at SWC Kendpali, under supervision of District Police Administration. It is made clear that the cost of supervision shall be borne by the petitioner."

The aforesaid interim order is presently under challenge.

At the interim stage, while issuing notice on 15.5.2020, this Court stayed operation of the order passed by the High Court.

As a result, the benefit granted in terms of the order passed by the High Court has ceased to operate.

Mr. Ashok Panigrahi, learned counsel for the appellant submitted that the work of handling and transportation is now being done departmentally and the department has initiated the process for awarding fresh contract and for the purposes tenders were invited on 28.5.2020.

Since the matter is pending in the High Court, the appropriate course, in our view, is to request the High Court to dispose of the pending writ petition on merits. Therefore, without going into the merits or demerits of the contentions advanced on behalf of the parties, we request the High Court to dispose of the pending writ petition as early as possible and preferably within two weeks of the receipt of this order.

The order passed by this Court on 15.5.2020 shall be the interim order in the pending writ petition. We therefore allow this appeal and set aside the order under appeal.

However, the department shall not finalize any award of tender in favour of any person till the matter is disposed of by the High Court and shall continue to do the job of handling and transportation departmentally.

With the aforesaid observations, the appeal is disposed of.

.....J.  
(UDAY UMESH LALIT)

.....J.  
(MOHAN M. SHANTANAGOUDAR)

.....J.  
(VINEET SARAN)

New Delhi  
June 15, 2020.

ITEM NO.25                      Virtual Court 2                      SECTION XI-A  
S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL)No.6766/2020

(A petition under Article 136 of the Constitution of India for Special leave to Appeal against interim order dated 29.04.2020 in W.P.(C)No.11405 of 2020 passed by the Hon'ble High Court of Orissa at Cuttack)

ORISSA STATE WAREHOUSING CORPORATION & ORS.                      Petitioner(s)

VERSUS

M/S JASODA ROADLINES & ORS.                      Respondent(s)  
( IA No. 49196/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 52807/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 51425/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 49572/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 49195/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 49573/2020 - VACATING STAY)

Date : 15-06-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

HON'BLE MR. JUSTICE VINEET SARAN

For Appellant(s)

Mr. Ashok Panigrahi, AOR

For Respondent(s)

Mr. Mukul Rohatgi, Sr. Adv.

Mr. Rudra Dutta, Adv.

Mr. Parijat Sinha, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)

COURT MASTER (SH)

(SIGNED ORDER IS PLACED ON THE FILE)

(PRADEEP KUMAR)

BRANCH OFFICER