

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 874-875 OF 2020  
(@ SLP (C) No(s). 19285-19286/2019)

M/S BHATIA TRANSPORT SERVICE THROUGH JARNAL BEER SINGH BHATIA  
Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH & ORS. Respondent(s)

O R D E R

Leave granted.

We are not giving the facts of the case in detail in view of the order which we intend to pass.

The facts necessary for disposal of this appeal are that the respondent-Federation issued notice, invited tenders for allotment of transportation work. The Federation vide letter dated 3<sup>rd</sup> April, 2019 revised the sanctioned rates. However on 09.04.2019, the Federation cancelled the three routes out of 19 advertised in the tender. Thereafter the Petitioner along with other transporters was issued another letter calling for consent for the revised rates. The case of the petitioner is that he consented to work at the revised rates for some of the routes. Further case of the petitioner is that the Zonal Manager of the Federation-respondent no.4 negotiated

with other transporters and issued orders dated 18.04.2019 which resulted in cancellation of the three bids of the petitioner out of the nine bids which he had initially submitted.

Aggrieved, the petitioner filed a writ petition against the order dated 18.04.2019. Before the High Court a statement was made on behalf of State of Madhya Pradesh that the fresh contracts had been issued only as a stop gap arrangement for short period. The writ petition was rejected on the ground that it was only a stop gap arrangement. The petitioner filed a review petition which was also dismissed.

It is not disputed before us that vide order dated 18.04.2019, the contract was awarded to the successful bidders not on a short term basis but for the entire remaining period of the tender. Therefore the High court was misled to hold that the arrangements made by the Federation was only a stop gap arrangements. We may point out that it has been contended on behalf of the Federation that this statement was not made on behalf of the Federation but by the counsel for the State of Madhya Pradesh and that in fact no notice had been issued to the Federation at that stage.

Be that as it may, the fact is that one of the primary consideration before the High Court in rejecting the petition was that the arrangement was a stop gap arrangement. This being not correct, we set aside the

order of the High Court and remand the matter to the High Court to decide the same on merits. We make it clear that we have not expressed any opinion on the merits of the case.

We request the High Court to dispose of the matter within two months keeping in view the fact that almost half the tender period is already over.

With these observations, the appeal is disposed of.

.....J.  
(DEEPAK GUPTA)

.....J.  
(ANIRUDDHA BOSE)

NEW DELHI  
JANUARY 31, 2020

ITEM NO.57

COURT NO.14

SECTION IV-A

**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(s). 19285-19286/2019

(Arising out of impugned final judgment and order dated 13-05-2019 in WP No. 9283/2019 21-06-2019 in RP No. 768/2019 passed by the High Court of M.P. Principal Seat At Jabalpur)

M/S BHATIA TRANSPORT SERVICE THROUGH JARNAL BEER SINGH BHATIA  
Petitioner(s)

**VERSUS**

THE STATE OF MADHYA PRADESH & ORS.

Respondent(s)

IA No. 120899/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 120898/2019 - EXEMPTION FROM FILING O.T.)

Date : 31-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Dr. Sarvam Ritam Khare, AOR  
Ms. Meena Sehwaj, Adv.  
Ms. Shweta Chaurasia, Adv.

For Respondent(s) Mr. Sanjay K. Agrawal, AOR  
Ms. Anjali Dubey, Adv.

Mr. Deep Karan Dalal, Adv.  
Mr. Ajay Ravish, Adv.

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

Leave granted.

The appeals are disposed of in terms of the signed order.  
Pending applications, if any, are disposed of.

(NEELAM GULATI)  
COURT MASTER (SH)

(PRADEEP KUMAR)  
BRANCH OFFICER

(Signed Order is placed on the file)