

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SPetition(s) for Special Leave to Appeal (C) No(s). 12309/2026

[Arising out of impugned judgment and order dated 23-03-2026 in WP No. 18286/2024 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

RUKHMAI INFRASTRUCTURE PVT LTD

Petitioner(s)

VERSUS

MAHA MINERAL MINING AND BENEFICATION PRIVATE
LIMITED & ANR.

Respondent(s)

(IA No. 100783/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Date : 06-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) : Mr. Shyam Divan, Sr. Adv.
Mr. Abhinav Mukerji, Sr. Adv.
Mr. Kartik Seth, Adv.
Ms. Shilpa Saini, Adv.
Mr. Raghav Sharma, Adv.
Mr. Lakshmi Kant Srivastava, Adv.
Mr. Nikhil Nasre, Adv.
Mr. Kunwar Vikramaditya Shah, Adv.
Mr. K. M. Abish, Adv.
Mr. Ragib, Adv.
Ms. Shaesta Irshad, Adv.
M/s Chambers Of Kartik Seth, AOR

For Respondent(s) : Mr. Narender Hooda, Sr. Adv.
Mr. Devendra V. Chauhan, Sr. Adv.
Mr. Gagan Sanghi, Adv.
Mr. Chaitanya Dhruv, Adv.
Mr. Santosh Ghate, Adv.
Mr. Rameshwar Prasad Goyal, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. The Madhya Pradesh Power Generating Company Limited issued a tender for coal beneficiation and logistics. The petitioner and

respondent No.1 participated in the tender process, wherein the technical bid of respondent No.1 was rejected by the Tender Evaluation Committee. Respondent No.1, being aggrieved, approached the High Court, but its writ petition was dismissed. The first respondent then approached this Court. Vide judgment dated 09.09.2025, this Court allowed the Civil Appeal No.11726 of 2025 in part and held as follows:

"(II) Appellant's disqualification under Clause 5(B) of the NIT

22. However, the High Court went a step further, traversing beyond the reasons given by the Committee and held the Appellant would otherwise be disqualified under Clause 5(B) of the NIT. Clause 5(B) reads as follows -

"Details of Washery:

Bidder should have its own Washery with wet beneficiation technology either of Heavy Media Cyclone or Heavy Media Bath or Wet Jig. The Bidder should have a minimum spare washing capacity using wet technology of 50% of annual tendered quantity, i.e., 5 Lakh Metric Tonnes (LMT), in area nearby to mines of WCL configured in the tender. Total distance from mine(s) to offered washery (ies) and offered washery (ies) to Railway siding shall not be more than 100 KM." (emphasis supplied)

23. To arrive at such a finding the High Court relied on written arguments submitted by the 2nd respondent and held as per Clauses 3.12, 3.13 and 8.5 of the JV agreement the appellant's washeries were committed to MSMC and could not have been used for the present tender. Mr. Hooda rightly contends the issue was raised for the first time in the written submissions and his client did not get the opportunity to controvert the same. Referring to a chart placed before us,¹ he vehemently argues the appellant's

¹ Annexure P-34 in the Appellant's Rejoinder to the Counter Affidavit filed by the 2nd Respondent.

Gondegaon washery had a spare capacity of 1.5 MMTPA² which was much higher than the required spare capacity under Clause 5(B) of the NIT. He further contends a request³ had been made to MSMC to shift their operation to other washeries in terms of Clause 6⁴ of the contract agreement executed between MSMC and the consortium, and the *Gondegaon* Washery was available for execution of the work under the present NIT.

24. We are of the considered view the aforesaid issue is a contentious one and ought not to have been decided by the High Court without giving opportunity to the appellant to controvert the same. High Court also lost sight of the fact that the Committee had not adverted to this issue and it was impermissible for it to travel beyond the reasons given by the Committee and disqualify the appellant. It is also relevant to note that allotment of work order to 2nd respondent has been made subject to the outcome of this proceeding.

25. For these reasons, we remand the matter for a fresh consideration whether appellant had requisite spare washing capacity as per Clause 5(B) of the NIT and the validity of the work order in favour of the 2nd respondent in light of such decision. The High Court shall decide the matter as expeditiously as possible preferably within two months from the date of communication of this order."

2. Consequently, the case was remanded to the High Court. The High Court vide the impugned judgment dated 23.03.2026 accepted the claim of respondent No.1 and declared him to be qualified in the technical bid. While holding so, the High Court has, in paragraph 37 of the impugned judgment, relied upon a request letter dated 14.06.2024 purportedly written by M/s. Hind Maha Mineral LLP to

2 Million Metric Tonnes Per Annum.

3 Letter dated 14.06.2024, annexed as P-36 in the Appellant's Rejoinder to the Counter Affidavit filed by the 2nd Respondent.

4 Clause 6: "ACCEPTED RATES:- Accepted Rates for beneficiation of raw coal as below (exclusive of GST). If any change in washery/railway siding is request by CONTRACTOR (LLP), then it should not put extra financial burden on MSMC....." (emphasis supplied).

Maharashtra State Mining Corporation. A copy of the said request letter is appended as Annexure P/3 in the SLP paper book. It may be mentioned that the request letter was written to provide an experience certificate for the work of lifting and beneficiation of RoM Coal undertaken by M/s. Maharashtra Mineral Mining and Beneficiation Private Limited. Be that as it may, the aforesaid letter was also placed on record in Civil Appeal No.11726 of 2025, which was allowed in part by this Court. The contents of the request letter were never disputed either by the petitioner or by the Madhya Pradesh Power Generating Company Limited.

3. It seems from the record that after the remand by this Court, the case was heard from time to time by the High Court, and judgment was reserved on 26.11.2025. The petitioner claims to have filed an affidavit a day before the judgment was reserved, i.e., 25.11.2025 and in paragraphs 8 to 10 thereof, the petitioner is stated to have averred as follows:

"8. I say that, the Respondent no. 2 has a *bona fide* belief and reliably learnt that a paragraph which has been mentioned in the Letter dated 14.06.2024 as produced by the Petitioner herein, is not a part of the Letter dated 14.06.2024 which is a part of the record of MSMC. The said para is extracted hereinbelow for ready reference:

"That it is to apprise you that *M/s Maha Mineral Mining and Beneficiation Pvt, Ltd. (MMMBPL)* is proposing to participate in the tender floated by Madhya Pradesh Power Generating Company Limited published vide NIT No. 2024 MPPGC 341576 I through Gondagaon Coal washery of MMMBPL and that in the event of award of said tender we shall be shifting ongoing MSMC/Mahagenco Work under contract dated 17.12.2020 through our other waheries."

9. I respectfully submit that the Respondent no.2 has reliably learnt and has *bona fide* belief regarding the questionable authenticity of the alleged Letter dated 14.06.2024 filed and relied upon by the Petitioner and taken note of by the Hon'ble Supreme Court while passing the judgment dated 09.09.2025.

10. I say that there is serious doubt expressed by Respondent No.2 regarding the authenticity of the impugned Letter dated 14.06.2024 allegedly written by Hind Maha Mineral LLP to MSMC for issuance of an experience certificate for the Petitioner. The Respondent No.2 has reliably learnt and has a *bona fide* belief that the letter dated 14.06.2024 as available in the records of MSMC does not contain the crucial assertions about "shifting" MSMC's work which are present in the Petitioner's version, and which formed the core of the Petitioner's narrative on "spare capacity".

4. We are not sure whether this affidavit is a part of the judicial record or not.

5. In such circumstances, after taking notice of the contents of the affidavit, as reproduced above, and in light of there being a factual issue re: filing of that affidavit and taking thereof on record, we grant liberty to the petitioner to file a review petition before the High Court. We request the High Court to examine this aspect and pass appropriate orders. It is clarified that we have not expressed any opinion on the merits of the allegations or counter-allegations.

6. The Special Leave Petition is disposed of, in the above terms.

7. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
ASSISTANT REGISTRAR