



IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,  
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 21<sup>st</sup> OF APRIL, 2026

REVIEW PETITION No. 790 of 2026

*RUKHMAI INFRASTRUCTURE PVT LTD*

*Versus*

*MADHYA PRADESH POWER GENERATING COMPANY LTD AND  
OTHERS*

.....  
Appearance:

*Shri Kartik Seth, Advocate, Shri Nikhil Nasre and Shri Aditya Khandekar -  
Advocates for petitioner.*

*Shri Arpan Pawar - Senior Advocate with, Shri Chiranjeev Sharma and Shri Akshat  
Arjaria, Advocate for respondent No.1.*

*Shri Devendra Chouhan, Senior Advocate (through V.C.) with Shri Satish Agrawal,  
Advocate, Shri Yashwardhan Agrawal, Shri Arpan Agrawal, Shri Praneet Niranjan,  
Shri Santosh Ghate, Shri Chaitanya Dhruv - Advocates for respondent No.2.*  
.....

ORDER

*Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice*

1. Petitioner has filed the subject review petition seeking review of judgment dated 23.03.2026 pursuant to a liberty granted by the Supreme Court by order dated 06.04.2026 in SLP (C) No.12309/2026.

2. Respondent (writ petitioner) had filed the subject writ petition impugning the decision of M.P. Power Generating Company Ltd. i.e. the Tender Inviting Authority, whereby the respondent had been disqualified.

3. This writ petition was earlier disposed of by a Coordinate Bench of this Court by judgment dated 06.01.2025, whereby the writ petition was dismissed.

4. Respondent No.1 filed Special Leave Petition before the Supreme



Court being SLP (C) No.1940/2025. By judgment dated 09.09.2025, the Supreme Court noticed that after the judgment was reserved by the Coordinate Bench, a written note of submission was filed by the petitioner herein i.e. M/s. Rukhmai Infrastructure Pvt. Ltd., which was relied upon by the Coordinate Bench, while dismissing the writ petition. The Supreme Court noticed that the written note of submission relied upon in the judgment, which was filed after the judgment was reserved, raised a contentious issue, and as such, the matter was remitted to this Court for giving an opportunity to the respondent No.1 (original writ petitioner) to controvert the same, and to take a fresh view.

5. When this matter was remitted to this Court, this Court permitted the review petitioner herein i.e. M/s. Rukhmai Infrastructure Pvt. Ltd. to file an affidavit clarifying its objection and also permitted the writ petitioner to file a response thereto. Pursuant to the liberty granted, not only the affidavit was filed by the parties, however, several documents were also filed. The matter was heard on several dates and finally on 26.11.2025, the arguments were concluded and the matter was reserved for judgment.

6. Subsequently, a judgment was delivered on 23.03.2026. The review petitioner herein i.e. M/s. Rukhmai Infrastructure Pvt. Ltd. filed a Special Leave Petition before the Supreme Court being SLP (C) No.12309/2026. Said Special Leave Petition has been disposed of by the Supreme Court on 06.04.2026, wherein the Supreme Court in para 3 has noticed as under:-

"3.....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....."

7. Thereafter, the Supreme Court has directed as under:

"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."

8. Perusal of the order of the Supreme Court shows that an averment was made before the Supreme Court that on 25.11.2025 subject additional affidavit was filed by the petitioner herein M/s. Rukhmai Infrastructure Pvt. Ltd. The Supreme Court has observed that it is not clear as to whether the affidavit is part of the judicial record or not and has granted liberty to the review petitioner to approach this Court and for this court to examine the aspects as to whether the affidavit was filed and taken on record or not.

9. Learned counsel appearing for the review petitioner initially stated that the affidavit was filed a day prior i.e. on 25.11.2025, and was also referred to at the time of submission. When the counsel was further questioned, the counsel very candidly admitted that the affidavit was not filed on 25.11.2025 but uploaded on 26.11.2025.

10. It is now stated that when the counsel for the review petitioner wanted to rely on the affidavit, this Court had declined to take the same on record on the ground that substantial arguments had already been advanced and no party could be permitted to file further pleadings.

11. We note that the High Court uses a ERP digital platform, wherein the judicial file is in one section. There is a facility given to advocates to digitally upload documents, which are placed in a reference section. Reference section does not comprise of documents, which are taken on record and is not part of the judicial record, but is merely a facility given to the counsels as well as the Court



Officer to upload bare acts, documents, judgments, which parties want to refer to at the time of making submission. Subject additional affidavit was merely uploaded in the reference on 26.11.2025. Perusal of the affidavit shows that the affidavit is attested in Nagpur on 26.11.2025 clearly showing the averment of the counsel that the affidavit was filed a day prior i.e. on 25.11.2025, is contrary to record.

12. The contention of the counsel for the review petitioner that a reply to an additional affidavit was also filed by respondent No.1 (original writ petitioner) is not borne out from the record. Neither the alleged reply to the additional affidavit is part of the judicial record nor uploaded on the ERP platform in the reference folder.

13. Learned counsel for the review petitioner has also uploaded a copy of Special Leave Petition on the reference folder. The averment in the Special Leave Petition with regard to the said affidavit is as under:-

".....The said fact was duly brought on record before the Hon'ble High Court by way of additional affidavit dated 25.11.2025 .....

However, by the Impugned Order dated 23.03.2026, the Hon'ble High Court allowed the Writ Petition and held that Respondent No. I satisfies the requirements of Clause 5(B) of the Subject NIT, primarily relying upon the disputed letter dated 14.06.2024 to conclude that the ongoing MSMC work could be shifted to other washeries. The Hon'ble High Court did not consider the binding contractual restrictions under the Joint Venture Agreement, absence of any enforceable spare capacity, and the material submissions regarding the veracity of the said letter advanced by the Petitioner."

14. It is apparent from the record that review petitioner had sought to file an affidavit by uploading the same on the reference folder on the very last day when the matter has been heard and judgment was reserved. A misstatement has been made before the Supreme Court that the affidavit was filed on 25.11.2025



and despite the same, the High Court has passed the impugned order dated 23.03.2026.

15. It is candidly admitted by the learned counsel for the review petitioner that the affidavit was not filed on 25.11.2025 but uploaded in the reference folder on 26.11.2025. He candidly further states that this Court had not permitted parties to file any additional affidavit or documents on the day when the judgment was reserved.

16. Clearly, a misstatement has been made in the Special Leave Petition before the Supreme Court that the affidavit was filed on 25.11.2025 and noticing the same, the Supreme Court granted liberty to the review petitioner to approach this court by way of a review petition and for this Court to clarify as to whether the affidavit is part of the judicial record or not. As noticed hereinabove, said affidavit was not part of the judicial record, and was thus, not taken into account when the petition was disposed of.

17. In view of the above, we find no ground to review the order dated 23.03.2026. The review petition is dismissed.

18. This court expresses displeasure over the conduct of the review petitioner and its counsel for making a misstatement on the judicial record.

**(SANJEEV SACHDEVA)**  
CHIEF JUSTICE

**(VINAY SARAF)**  
JUDGE