

HIGH COURT OF MADHYA PRADESH : JABALPUR

FULL BENCH - I (Time 2:30 PM)

Daily Cause List dated : 14-09-2021

BEFORE: HON'BLE THE CHIEF JUSTICE & HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA &
HON'BLE SHRI JUSTICE VISHAL DHAGAT

Court Room No.: 1

(FOR HYBRID SYSTEM OF PHYSICAL / VIRTUAL HEARING OF THE CASES)

MOTION HEARING

[DIRECTION MATTERS]

SN	Case No	Petitioner / Respondent	Petitioner/Respondent Advocate
1	WP 09623/2021	NITIN ENTERPRISES	AMIT MISHRA

Versus

THE STATE OF MADHYA
PRADESH **& Ors.**

ADVOCATE GENERAL, MANOJ MUNSHI[R-3], ANKIT
MORE[R-3], VIKRAM MALVIYA[R-3], LUCKY JAIN[R-3],
PRACHI JAIN[R-3][R-4][R-4][R-4][R-4][R-5][R-5]
[R-5][R-5][R-5][R-6][R-6][R-6][R-6]

MERCHANTILE LAW-15000 - Contract Act, 1872-15002 - Contract Act, 1872-15002

Relief - TO SET ASIDE THE IMPUGNED ORDER

{FIXED DATE (COURT ORDER) COVID-19} **FOR CONSIDERING FOLLOWING**

**QUESTIONS:- (I) WHETHER THE LOSS ARISING OUT OF BLACKLISTING ORDER
CAN BE ASCERTAINABLE/ASCERTAINED AND HENCE FALLS WITHIN THE AMBIT
OF SECTION 2(1)(D) OF THE ADHINIYAM. IF NOT, WHETHER THE FULL BENCH IN
GOURI GANESH (SUPRA) AND DIVISION BENCH IN AWASTHI BROTHER
CONSTRUCTION COMPANY (SUPRA) HAVE CORRECTLY OPINED THAT AGAINST
BLACKLISTING ORDER ALSO CONTRACTOR HAS A REMEDY BEFORE THE
TRIBUNAL CONSTITUTED UNDER THE ADHINIYAM ? (II) IF A COMPOSITE ORDER
OF TERMINATION OF CONTRACT AND BLACKLISTING IS CALLED IN QUESTION IN
A WRIT PETITION AND NO REMEDY IS AVAILABLE TO THE CONTRACTOR AGAINST
THE BLACKLISTING ORDER BEFORE THE TRIBUNAL, WHETHER A WRIT PETITION
AGAINST A COMPOSITE ORDER IS ENTERTAINABLE DESPITE AVAILABILITY OF
REMEDY AGAINST THE TERMINATION OF WORKS CONTRACT UNDER THE
ADHINIYAM ?**

01-A PETITION FILED UNDER ARTICLE 226 AND/OR 227 OF CONSTITUTION

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TOTAL CASES : 1 (with connected matters)

PR (J) / R (J-I) / R(J-II)