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WP-39861-2025

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 9th OF OCTOBER, 2025

WRIT PETITION No. 39861 of 2025

M/S MAHAKAUSHAL SUGAR AND POWER INDUSTRIES LIMITED

Versus

UNION OF INDIA AND OTHERS

Appearance:

*Shri Shashank Shekhar - Senior Advocate with Shri Bhoopesh Tiwari -
Advocates for the petitioner.*

Shri B.D. Singh - Deputy Advocate General for the respondent/State.

*Shri Aditya Adhikari - Senior Advocate with Shri Kapil Jain - Advocate for
the respondent No.3.*

Shri Swapnil Sohgaure - Advocate for the respondent No.6.

ORDER

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

1. Petitioner seeks participation in tender dated 23.09.2025 floated by respondent No.3/ Bharat Petroleum Corporation Ltd. for procurement of ethanol.

2. Petitioner could not submit its bid before the bid closure date i.e. 07.10.2025. Petitioner required licenses and NOC for setting up of the plant. The Collector Narsinghpur declined the grant of NOC, pursuant to which petitioner had to approach this Court in WP No.37489/2025. Wherein, by order dated 29.09.2025 the Principal Secretary of Industries Department was directed to dwell upon the proposal of the Collector with regard to grant of NOC to the petitioner.



The Collector took a decision for grant of NOC.

3. We are informed that Collector took the decision and granted No Objection Certificate to the petitioner on 06.10.2025. After grant of No Objection Certificate petitioner also require a license from Respondent No. 2 i.e. Petroleum and Explosive Safety Organization (PESO). Respondent No.2 acted expeditiously and granted the requisite license on 07.10.2025, however petitioner was communicated the grant of license at 2 PM on 07.10.2025. The end time for submission of bid was 11 AM. on 07.10.2025 . Accordingly, petitioner missed the dead line for submitting the bid.

4. Learned counsel for the petitioner submits that the petitioner has set up the plant and has also taken substantial amount of loan for setting up of the plant and gives employment to over 1000 individuals. He further submits that subject tender is a non exclusive tender and the requirement of the Government is for 1050 crores litres of ethanol and petitioner has the capacity to supply approximately 10 crores litres of ethanol and in case the petitioner is not permitted to participate in the tender process, ethanol being produced by the petitioner is likely to go waste and would be a national waste. He submits that since the petitioner has set up a dedicated plant it may not be permissible to sell it in open market.

5. Respondent No.3 / Bharat Petroleum Corporation Ltd. had invited tender under the directions of respondent No.1 /Union of India. Both of which had no role in the grant of NOC to the petitioner or delay in grant thereof, accordingly, in there peculiar facts and circumstances of the case, we are of the view that no mandamus can be issued either to the Union of India or the Bharat Petroleum Corporation Ltd. to extend the bid submission date or to permit the petitioner to participate. However, keeping in view the fact that there is substantial



requirement for ethanol and the subject tender was a non exclusive tender, it is open to the Union of India/ Bharat Petroleum Corporation Ltd to take an appropriate view in the matter keeping the stand of the petitioner.

6. Accordingly, we permit the petitioner to file a representation to Union of India as well as respondent No.3 for consideration of its bid for supply of the ethanol.

7. It would be open to the Union of India and Bharat Petroleum Corporation Ltd to consider the representation in accordance with law without being influenced by anything stated in this order on merits. In view of the fact that the bid submission date is already over and further steps are likely to be taken in respect of the tender, it is expected that the Competent Authority shall expeditiously consider the representation of the petitioner and take a view in the matter in accordance with law.

8. The petition is accordingly, *disposed of* in the above terms.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE