



pacel

Punjab Alkalies & Chemicals Limited

Regd. Office : S.C.O. 125-127, Sector 17-B, Post Box No. 152, Chandigarh-160 017
 Phone : 2703645-46-47, 5083413, 2704283 Grams : 'ALKALIES' Fax : 0172-2704797
 E-mail : pacich1@satyam.net.in

Website : www.punjabalkalies.com

PACL:SEC:2011:1144

SPEED POST/FAX ✓

20.5.2011

The Deputy General Manager,
 Corporate Relationship Department,
 Bombay Stock Exchange Limited,
 1st Floor, New Trading Ring,
 Rotunda Building, P.J. Towers,
 Dalal Street, Fort,
MUMBAI-400 001.

Sub.: **Proposed Disinvestment by the Punjab State Industrial Development Corporation Limited of its 44.26% Equity Stake in Punjab Alkalies & Chemicals Limited - Civil Writ Petition No.996 of 2011 titled 'M/s. DCM Shriram Consolidated Limited and Another Vs. State of Punjab and Others' in the Punjab and Haryana High Court- Certified Copy dated 19th May, 2011 of the Application dated 29th April, 2011 filed by the State of Punjab.**

Dear Sir,


Further to our letter No. PACL:SEC:2011:220 dated 7th April, 2011, we are enclosing herewith the following:-

1. A copy of letter dated 20th May, 2011 of Shri Arun Nehra, Advocate (who is Punjab Alkalies & Chemicals Limited's Advocate in the captioned Civil Writ Petition) (a) inter-alia, indicating that the State of Punjab through Director, Department of Finance, Directorate of Disinvestment, Government of Punjab has filed an Application dated 29th April, 2011 in the Hon'ble Punjab & Haryana High Court in the matter of the Civil Writ Petition No. 996 of 2011 titled 'M/s. DCM Shriram Consolidated Limited and Another Vs. State of Punjab and Others' in the matter of proposed Disinvestment by the Punjab State Industrial Development Corporation Limited of its 44.26% Equity Stake in Punjab Alkalies & Chemicals Limited and (b) forwarding therewith a Certified Copy dated 19th May, 2011 of the said Application dated 29th April, 2011.
2. A copy of the said Certified Copy dated 19th May, 2011 of the said Application dated 29th April, 2011.

This is for your information, please.

Thanking you,

Yours faithfully,
 For PUNJAB ALKALIES & CHEMICALS LIMITED


 COMPANY SECRETARY &
 GEN. MANAGER (CO. AFFAIRS)

Encls.: As above.

ARUN NEHRA, Advocate
Ex. Sr. Central Govt. Standing Counsel
Ex. Addl. Advocate General (Haryana)

Phones: 0172-2741055
0172-2740677
Bungalow No. 247, Sector 9-C,
Chandigarh-160 017

20/05/2011

Punjab Alkalies & Chemicals Limited,
SCO 125-127, Sector 17-B,
Chandigarh.

Sub : **Civil Writ Petition No.996 of 2011 titled 'M/s. DCM Shriram Consolidated Limited and Another Vs. State of Punjab and Others' in the matter of Proposed Disinvestment by the Punjab State Industrial Development Corporation Limited of its 44.26% Equity Stake in Punjab Alkalies & Chemicals Limited – Certified Copy dated 19th May, 2011 of the Application dated 29th April, 2011 filed by the State of Punjab.**

Sir,

The State of Punjab through Director, Department of Finance, Directorate of Disinvestment, Government of Punjab has filed an Application dated 29th April, 2011 in the Hon'ble Punjab & Haryana High Court in the matter of the Civil Writ Petition No. 996 of 2011 titled 'M/s. DCM Shriram Consolidated Limited and Another Vs. State of Punjab and Others' in the matter of proposed Disinvestment by the Punjab State Industrial Development Corporation Limited of its 44.26% Equity Stake in Punjab Alkalies & Chemicals Limited. A Certified Copy dated 19th May, 2011 of the said Application dated 29th April, 2011 is enclosed herewith.

The said Application is likely to be listed for hearing before the Hon'ble Punjab & Haryana High Court shortly.

This is for your information, please.

Thanking you,
Yours faithfully,

Arun Nehra
(ARUN NEHRA)
ADVOCATE

Encl. : As above

| | | | |
|----------------------------------|-------|--------|---------------|
| Punjab Alkalies & Chemicals Ltd. | | | |
| CS | GM/CA | GM/P&M | GM/Inv. (DCI) |
| 20 MAY 2011 | | | |
| 781 | | | |
| HRD PROJECTS WORKS | | | |

For Private Use

Examiner Judicial Department
High Court of Punjab and Haryana
Chandigarh

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Misc. No. 693 of 2011

IN CIVIL WRIT PETITION NO. 996 OF 2011

M/S DCM Shriram Consolidated Ltd. and another

.....Petitioner.

Versus

State of Punjab and Others

.....Respondents.

Application under section 151 CPC for fixing
the date of hearing.

RESPECTFULLY SHOWETH:

1. That Hon'ble Court in the above said petition on dated 28.01.2011 had passed the following interim orders:

"Upon due consideration of the cases of the respective parties we are of the view that writ petition would require a detailed examination which will be possible only at a full length hearing.

If the writ petition is to be heard at length, as we are inclined to, some workable interim arrangement will have to be made. According to us, the viable interim arrangement would be to allow the petitioner No. 1 to participate in the due diligent process and at all other stages of the process including the bidding process. However, it is made clear that the participation of petitioner no. 1, as directed above, is without prejudice to the claims of the respondents and will be subject to the outcome of the writ petition. Once the process is finalized learned counsel for the parties may make a

mention of the matter before the court for fixing the date for final arguments, only, whereafter the result of the bidding process will be published”.

2. That as per orders of the Hon'ble Court in the present case, the Petitioner No. 1 participated in the due diligence process and at all other stages of the process including the bidding process of Punjab Alkalies & Chemicals Ltd.
3. That on 5.04.2011 the technical/financial bids for disinvestment of PSIDC's entire shareholding in Punjab Alkalies & Chemicals Ltd. were invited in the Inter Departmental Committee meeting. Out of the 13 prequalified Companies/Firms only M/S DCM Shriram Consolidated Ltd., Petitioner No. 1 submitted the technical/financial bid.
4. That the Global/Legal Advisors, PACL scrutinized the technical bid documents of M/S DCM Shriram Consolidated Ltd in the meeting and found that the documents submitted by M/S DCM Shriram Consolidated Ltd. were non-responsive as neither the company submitted the bid security of Rs. 1.00 crore nor submitted other required duly authenticated documents such as, Board Resolution, Covering Letter comprising the bid, Power of Attorney, un-signed Share Purchase Agreement etc. and recommended as follows:

“In accordance with the Clause 3.1 (f) of RFP which states that, “in case the Bid does not have any of the documents required in Envelope II as per this RFP, it shall be considered non-responsive and this may lead to rejection of Bid and the Financial Bid for the

non-responsive bid may not be considered further", the proposal/bid submitted by DSCL may be considered invalid".

5. That the bid submitted by M/S DCM Shriram Consolidated Ltd. was mere empty formality as all document submitted with the bid were not complete.

6. That the technical bid being invalid the financial bid was, accordingly, not opened by the Committee.

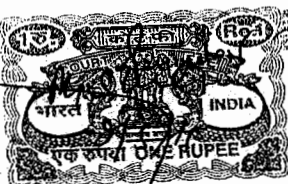
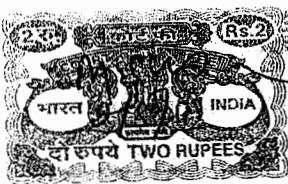
In view of the submissions made above, it is respectfully prayed that this Hon'ble Court may kindly fix a date of hearing in the present case.

Place : Chandigarh
Dated : 29.04.2011

GOVERNMENT PLEADER PUNJAB

Date of Filing
Date of Presentation of Petition
Date of Delivery
19/5/11

[Handwritten Signature]



Certified to be true Copy
High Court of Punjab & Haryana
Superior Copy Branch

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
IN CIVIL WRIT PETITION NO. 996 OF 2011

M/S DCM Shriram Consolidated Ltd. and anotherPetitioner.

Versus

State of Punjab and OthersRespondents.

Noted that the Affidavit/AIGPA has been taken over & explained to the Deponents, who have signed directly to and read the same to the time of making & signing the document.

Affidavit of Jaspal Singh, IAS, Director, Department of Finance, Directorate of Disinvestment, Government of Punjab, on behalf of Respondent No. 1.

I, the above named deponent do hereby, solemnly affirm and declare as under:

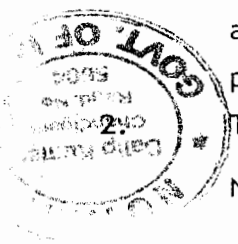
1. That Hon'ble Court in the above said petition on dated 28.01.2011 had passed the following interim orders:

"Upon due consideration of the cases of the respective parties we are of the view that writ petition would require a detailed examination which will be possible only at a full length hearing.

If the writ petition is to be heard at length, as we are inclined to, some workable interim arrangement will have to be made. According to us, the viable interim arrangement would be to allow the petitioner No. 1 to participate in the due diligent process and at all other stages of the process including the bidding process. However, it is made clear that the participation of petitioner no. 1, as directed above, is without prejudice to the claims of the respondents and will be subject to the outcome of the writ petition. Once the process is finalized learned counsel for the parties may make a mention of the matter before the court for fixing the date for final arguments, only, whereafter the result of the bidding process will be published".

That as per orders of the Hon'ble Court in the present case, the Petitioner No. 1 participated in the due diligence process and at all other stages of the process including the bidding process of Punjab Alkalies & Chemicals Ltd.

3. That on 5.04.2011 the technical/financial bids for disinvestment of PSIDC's entire shareholding in Punjab Alkalies & Chemicals Ltd. were invited in the Inter Departmental Committee meeting. Out of the 13 prequalified



Companies/Firms only M/S DCM Shriram Consolidated Ltd., Petitioner No. 1 submitted the technical/financial bid.

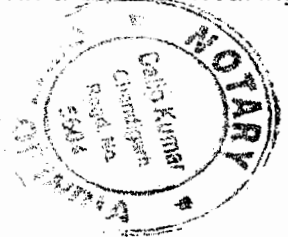
- 4. That the Global/Legal Advisors, PACL scrutinized the technical bid documents of M/S DCM Shriram Consolidated Ltd in the meeting and found that the documents submitted by M/S DCM Shriram Consolidated Ltd. were non-responsive as neither the company submitted the bid security of Rs. 1.00 crore nor submitted other required duly authenticated documents such as, Board Resolution, Covering Letter comprising the bid, Power of Attorney, unsigned Share Purchase Agreement etc. and recommended as follows:

"In accordance with the Clause 3.1 (f) of RFP which states that, "in case the Bid does not have any of the documents required in Envelope II as per this RFP, it shall be considered non-responsive and this may lead to rejection of Bid and the Financial Bid for the non-responsive bid may not be considered further , the proposal/bid submitted by DSCL may be considered invalid".

- 5. That the bid submitted by M/S DCM Shriram Consolidated Ltd. was mere empty formality as all document submitted with the bid were not complete.
- 6. That the technical bid being invalid, the financial bid was, accordingly, not opened by the Committee.

In view of the submissions made above, it is respectfully prayed that this Hon'ble Court may kindly fix a date of hearing in the present case.

Place : Chandigarh
Dated : 27th April, 2011
28th

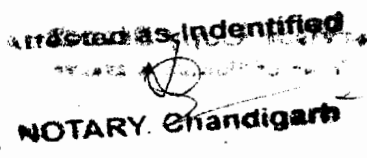


[Signature]
Deponent

VERIFICATION :

Verified that the contents of para 1 to 6 are true and correct to my knowledge as per official record. No part of statement is false and nothing has been concealed therein.

Place: Chandigarh
Dated : 27th April, 2011
28th



[Signature]
Deponent

28 APR 2011

Certified to be true Copy
[Signature]
Examiner
High Court of Punjab & Haryana
Chandigarh