

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	20.12.2023		WPMB No. 353 of 2023 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> <u>Hon'ble Vivek Bharti Sharma, J.</u> 1. Mr. Akshay Pradhan, learned counsel for petitioner. 2. Mr. Amarendra Pratap Singh, learned Additional Advocate General for State of Uttarakhand. 3. Petitioner participated in a tender process for procurement of Haemoglobin Strips, pursuant to a Notice Inviting Tender issued by Uttarakhand Medical Health & Family Welfare Department. According to him, five bidders responded to the said NIT, out of which only two bidders were declared to be technically qualified, including petitioner. The contract has now been awarded to respondent no. 3. Thus, feeling aggrieved, petitioner has approached this Court seeking the following reliefs : <i>"I. Issue a writ, order, or direction in the nature of certiorari to set aside the entire tender process, specifically 'Bid Number GEM/2023/B/3088907 dated 07/02/2023' (Annexure No.2), including, but not limited to, the impugned financial bid and the evaluation result posted on the official website of the Respondent department on 22.08.2023. This result led to the rejection of the financial bid submitted by the Petitioner.</i> <i>II. Stay procurement of hemoglobin meters by Respondent No 2 through Bid Number GEM/2023/B/3088907 dated 07/02/2023, declaring the same as illegal, arbitrary, mala fide and contrary to the Rule of tender and settled principles of Law."</i> 4. The sole ground of challenge in the Writ Petition is that, as per Clause 21(2) of the tender document, a demo was to be held regarding Haemoglobinometer with strips after opening of the technical bids. However, in the present case, demo was held after

			opening of price bids. Thus, according to petitioner, tender process is vitiated. 5. Learned State Counsel, on instructions, submits that there is no condition in the tender document that demo has to be held before opening the price bid. He submits that demo was held after opening of price bid, and both the bidders, whose bids were found to be technically responsive, were invited for holding demo. However, petitioner did not participate, and demo was given by only one bidder, i.e. respondent no. 3. Referring to Clause 21(2) of the tender document, he submits that the said clause only provides that demo is to be held after opening of technical bid, and it does not provide anywhere that demo is to be held before opening of price bid. 6. This Court finds substance in the submission made on behalf of learned State Counsel. In the absence of any stipulation in the tender document, that demo has to be held before opening the price bid, the ground of challenge raised by petitioner cannot be accepted. 7. The Writ Petition, thus, fails and is, accordingly, dismissed. 8. Consequently, pending application(s), if any, also stand disposed of. (Vivek Bharti Sharma, J.) (Manoj Kumar Tiwari, A.C.J.) 20.12.2023 20.12.2023 Rahul
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