

Court No. - 3

Case :- WRIT - C No. - 9567 of 2023

Petitioner :- Usha Pandey

Respondent :- State Of U.P. Thru. Prin. Secy.
Urban Development Deptt. Civil Sectt. Lko. And
Others

Counsel for Petitioner :- Sharad Pathak

Counsel for Respondent :- C.S.C.,Mohd.
Ali,Umesh Singh

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Heard learned counsel for the petitioner Sri Sharad Pathak, learned Standing Counsel and Sri Mohd. Ali, learned counsel for Nagar Palika Parishad, Rae Bareli.

Petitioner has approached this Court challenging the orders dated 21.10.2023 whereby the bid of the petitioner is rejected on the ground of defect in the affidavit submitted/uploaded along with the bid documents. The respondents have issued the letter Nos.123 dated 21.10.2023, 124 dated 21.10.2023 and 125 dated 21.10.2023 whereby the petitioner is communicated that there are defects in the affidavit filed along with the bid documents and, thus, the amount of 41,000/-, Rs.44,000/- and 13,000/- deposited as surety is forfeited. Petitioner claims that she is registered contractor of Nagar Palika and of U.P. Electronics Corporation Limited.

Learned counsel for the petitioner submits that along with the documents she has uploaded her registration in U.P. Electronics Corporation Limited, which is annexed at Page 70 of the writ petition, but the same is not a registration certified as a builder, contractor or vendor. It appears that it is only for the purposes of uploading for other similar purposes. From perusal of Page 70, it is not clear that the petitioner is registered with U.P. Electronics Corporation Limited as builder, contractor or vendor.

In view thereof, this Court is unable to find merit in submissions that the petitioner has uploaded the required documents.

Next submission of learned counsel for petitioner is that if the documents of petitioner are not sufficient and her bid is rejected on technical ground, it was incumbent upon the respondents to refund the amount of surety deposited by the petitioner. This Court find force in this submission of learned counsel for petitioner.

In the given facts and circumstances, respondents are directed to refund the amount of surety i.e. Rs.41,000/-,Rs.44,000/- and Rs.13,000/- to the petitioner with a period of two weeks from today.

With the aforesaid directions, the writ petition is disposed of.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 3.11.2023
Arjun/-