

Court No. - 3

Case :- WRIT - C No. - 11230 of 2023

Petitioner :- M/S Environ Waste Connections Llp, Ghaziabad Thru.
Authorized Signatory

Respondent :- State Of U.P. Thru. Addl.Chief/Prin. Secy. Deptt. Medical
Health And Family Welfare Lko. And Others

Counsel for Petitioner :- Anupras Singh

Counsel for Respondent :- C.S.C.,Abhinav Trivedi,Ashok Kumar
Verma,Nitin Kumar Mishra

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

1. Power is filed by Sri Nitin Kumar Mishra, Advocate on behalf of respondent no.6 & 8 today and the same is taken on record.
2. Heard Sri J.N. Mathur, learned Senior Advocate assisted by Sri Anupras Singh, learned counsel for petitioner, Sri Abhinav Trivedi, learned counsel for respondent no.2 & 3, Sri Ashok Kumar Verma, learned counsel for respondent no.4, Sri Nitin Kumar Mishra, learned counsel for respondent no.6 and 8 and learned Standing Counsel for State.
3. Petitioner has approached this Court challenging the Revised Technical Evaluation Report dated 21.10.2023 which was called by the Tender Committee.
4. Admittedly, petitioner who is bidder claims that his bid is being disqualified and no opportunity of hearing is given to him after submission of said technical evaluation report dated 21.10.2023.
5. Learned counsel for petitioner states that the said report itself is in violation of order of Supreme Court.

6. Be it as it may since the technical report is an additional document being considered by the Technical Committee an opportunity to submit their reply/objection to the said report ought to have been given to petitioner and other similarly situated disqualified persons. The Tender Committee could not have taken a report without even taking views of petitioner and other similarly situated disqualified persons. Admittedly, the tender is not finalized as on date.

7. In view thereof, respondent no. 2 and 3 are directed to provide a copy of technical evaluation report dated 21.10.2023 to the petitioner within a period of three days from today to which petitioner shall submit his reply/objection within a period of three days' thereafter with respondent no.3 and thereafter a decision shall be taken by respondent no.2 and 3 within a period of two weeks.

8. It is made clear that Tender Reference No.UPMCL/BMW/RFP/2022-23/34 shall not be finalized without passing the order as provided aforesaid.

9. With the aforesaid, the writ petition is **disposed of.**

Order Date :- 20.12.2023

Arti/-

[Manish Kumar,J.]

[Vivek Chaudhary,J.]