



CGHC010282192026

2026:CGHC:31385-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3812 of 2026

Kavita Mahila Swa Sahayata Samuh A Women Self Help Group,
Through Its President/ Secretary, Asgari Begum W/o Late Liyakat Ali
Khan, Aged 53 Years R/o Ward No. 9 Kalikapara/ Ramnagar
Dongargarh District Rajnandgaon Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Health
And Family Welfare, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal
Nagar, Chhattisgarh

2 - The Director Directorate Of Health Services, Chhattisgarh, Indrawati
Bhawan, Capital Complex, Naya Raipur, District Raipur Chhattisgarh

3 - The Civil Surgeon-Cum-Chief Hospital Superintendent District
Hospital, Near Collector Office, Panchsheel Nagar, Balodabazar District
Balodabazar-Bhatapara Chhattisgarh

4 - Government E-Marketplace (G E M) Through Its Chief Executive
Officer, 2nd Floor, Jeevan Tara Building, Parliament Street, New Delhi
110001

... Respondent(s)

For Petitioner(s) : Mr.Apoorva Tripathi, Advocate

For Respondent(s) : Mr.Praveen Das, Additional Advocate General

Hon'ble Mr. Ramesh Sinha, Chief Justice

Hon'ble Mr. Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

23.07.2026

1. Heard Mr.Apoorva Tripathi, learned counsel for the petitioner as well as Mr.Praveen Das, learned Additional Advocate General appearing for the respondents.
2. The present petition has been filed by the petitioner with the following prayers :-

“A. May, this Hon'ble Court be pleased to Issue a Writ in the nature of Certiorari, or any other appropriate writ, order or direction, quashing and setting aside the Additional Conditions annexed to Bid No. GEM/2026/B/7682402 dated 18.06.2026 (ANNEXURE P-2), and in particular Conditions Nos. 1, 11, 14 and 15 read with Instructions Non. 1, 4 and 11 thereof, the compelled-waiver clause of the prescribed affidavit format (Prapatra-A), and the Note to the Financial Bid format (ANNEXURE P-3) fixing minimum-cum-maximum rates, as being Arbitrary, Unreasonable, Vexatious and Unconstitutional, in contravention of the Bid Details published on GeM, the GeM General Terms and Conditions, the Disclaimer clause of the Bid itself, the Chhattisgarh Bhandar Kraya Niyam, 2002, and Articles 14 and 19(1)(g) of the Constitution of India.

B. May, this Hon'ble Court be pleased to Issue a Writ in the nature of Certiorari, or any other appropriate writ, order or direction, quashing and setting aside the reply dated 08.07.2026 bearing Kramank/C.S./2026/2841 P-6), (ANNEXURE

whereby the Petitioner's representation dated 07.07.2026 was declined without consideration of any substantive ground.

C. May, this Hon'ble Court be pleased to Issue a Writ in the nature of Mandamus, or any other appropriate writ, order or direction, directing the Respondents to evaluate the Petitioner's bid, and the bids of all participating bidders, strictly in accordance with the Bid Details published on GeM and de hors the impugned Additional Conditions, and restraining the Respondents from rejecting or disqualifying the Petitioner's bid on the anvil of the impugned Additional Conditions, including for want of the "3 year experience certificate of 150 bedded Government Hospital" demanded by the Clarification dated 10.07.2026 (ANNEXURE P-7).

D. In the alternative, may this Hon'ble Court be pleased to quash and set aside Bid No. GEM/2026/B/7682402 dated 18.06.2026 in its entirety, as null and void in terms of the Disclaimer clause of the Bid itself, with a direction to the Respondents to re-publish the tender upon a truthfully computed estimated bid value, with eligibility criteria conforming to the Bid Details, with a financial bid structure admitting of genuine price competition, and upon a tender period of not less than 30 days in compliance with Upniyam 4.5 of the Chhattisgarh Bhandar Kraya Niyam, 2002.

E. Any other relief which this Hon'ble Court may deem fit in the facts and circumstances of the case.

F. Cost of the petition may also be awarded."

3. Learned counsel for the petitioner seeks permission of this Court to withdraw this writ petition as in the present case bid has been opened and L1 has been declared.
4. Accordingly, the present writ petition is **dismissed as withdrawn**.
No cost(s).

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice