

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No. 936 of 2015

M/s Mahavir Construction Through Its Proprietor, Shirish Tiwari, S/o Late Shri Arun Tiwari, Having Its Head Office At 73, Golden Homes, Vip Estate, P.S. Khamardih, Distt. Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, 492002 (Chhattisgarh)
2. Municipal Corporation Birgaon, Through Commissioner, Birgaon Raipur, District Raipur, (Chhattisgarh)
3. Director (Urban Administration & Development), Indravati Bhawan, Fourth Floor, Block-D, Naya Raipur, 492002 (Chhattisgarh)

---- Respondents

For Petitioner:-	Shri Kshitiz Sharma, Advocate.
For Respondent/State:-	Shri Prafull N. Bharat, Addl. A.G
For Respondent No. 2:-	Shri R.S. Bhagel, Advocate.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board

Per Navin Sinha, Chief Justice

7/07/2015

1. The Petitioner came to this Court earlier in W.P.(C) No.2099/14 aggrieved by denial of tender forms for participation in the notice inviting tender dated 30.9.2014 (hereinafter called as 'NIT') in respect of the works for which he proposed to bid. The Writ Petition was dismissed after considering the submission of the parties by a reasoned order dated 26.11.2014. The order has attained finality and was not questioned by the Petitioner before any superior forum.

2. Learned Counsel for the Petitioner submits that thereafter it made enquiries with regard to the qualification of the bidders who have been

declared successful and also obtained necessary papers under the Right to Information Act and it now transpires that the Respondents had accepted bids of certain others contrary to the terms of the tender notice. Counsel for the Petitioner next submitted that since the Petitioner was not aware of this illegality committed at the time when the earlier Writ Petition was disposed, directions may be issued to consider his representation filed after the order of dismissal dated 26.11.2014.

3. Learned Counsel for the Respondents have submitted that eight successful bidders have been allotted different works and none of them has been made a party Respondent.

4. The order dated 26.11.2014 having attained finality inter parties, the Petitioner shall now be deemed to never have been a bidder under the NIT in question, and therefore we are satisfied that he has no further locus in the matter.

5. If the Petitioner was aggrieved by order dated 26.11.2014, the remedy lay in appropriately assailing the same before a superior forum. The Petitioner accepted the order dated 26.11.2014 holding that he had no cause of action and yet seeks to resurrect the cause of action thereafter by filing a representation subsequently. It is clearly impermissible in law.

6. We therefore find no merit in the Writ Petition.

7. The Writ Petition is dismissed.

Sd/-
(Navin Shiha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE

