

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 972 of 2015**

Bharat Engineering Works, Through Proprietor Pawar Kumar Agrawal, Son of Shri Rudmal Agrawal, aged about 50 years, Resident of Pine 221 Parthivi Pacific Tatibandh, Raipur, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh, Through the Chief Executive Engineer, Public Works Department, Bairan Bazar, Raipur, District Raipur, Chhattisgarh.
2. The Executive Engineer, National Highway Division No. 1, PWD Pension Bada, Raipur.

---- Respondents

For Appellant	:	Shri Y.C.Sharma, Advocate.
For Respondent/State	:	Shri UNS Deo, Government Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Order on Board**Per Navin Sinha, Chief Justice****17/08/2015**

1. In this writ application the Petitioner assails the actions of the Respondents in declining to issue it tender forms for submission of bid under Tender Notice dated 18.5.2015 published by the office of the Executive Engineer, National Highway Division No. 1, Public Works Department, Raipur.
2. Learned Counsel for the Petitioner submitted that the tender notice was bad on the first count as it gave only 12 days time for submission of bids contrary to the guidelines published by the Respondents styled - Nivida Mitra

providing that minimum 15-20 days time should be given for submission of bids. It was next submitted that the Petitioner is a partnership firm engaged in manufacturing and supply of Road Safety and Quality Control Equipments since large number of years. It is also registered as Class 'C' Contractor with Unique Identification Number issued by the State Government. It meets all the conditions of eligibility and tender forms were therefore wrongly denied to it. The letter head of the Petitioner dated 23.5.2015 submitting the requisite information for supply of tender documents itself states that it was a manufacturer of Road Safety and Quality Control Equipments. Upon failure of the Respondents to accept its request, it was left with no other option but to send it by speed post.

3. Learned Counsel for the State submitted that the tender notice itself mentioned that further details were available on the website at the specified address. It is not in dispute that the Petitioner is a civil contractor registered with the Public Works Department in C-Class. The Respondents are not aware if it is also a manufacturer of quality control equipments alongwith laboratory equipments as the necessary dealership certificate as manufacturer alongwith other necessary documents were not furnished alongwith the application for providing tender documents.

4. No rejoinder to the counter-affidavit has been filed. In view of the specific statement made by the Respondents that the application of the Petitioner for supply of tender documents itself was incomplete, we find no error in the action of the Respondents calling for interference. The guidelines referred to are not statutory but in the nature of general instructions, deviation from which is also inherent in it.

5. Nothing in the present order shall be deemed or construed as a finding or expression of final opinion that the Petitioner was not a original

manufacturer of the concerned equipments and which naturally therefore remains open for consideration in another case should the occasion arise for the same.

6. The writ petition is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE