

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (C) NO. 1735 OF 2015

Bajrang Agrawal, S/o Shri Banarsi Das Agrawal, age around 55 years, R/o Itwari Bazar, Raigarh, P.S. : Raigarh, District- Raigarh (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Public Health Engineering Department, Mahanadi Bhawan, Naya Raipur, Raipur (C.G.)
2. The Secretary, Public Works Department, State of Chhattisgarh, Raipur (C.G.)
3. The Executive Engineer, Public Health Engineering Department, Division Balodabazar, District- Balodabazar (C.G.)
4. Chief Engineer, Public Health Engineering Department, Division Balodabazar, District-Balodabazar (C.G.)

... Respondents

For Petitioner	:	Mr. Mateen Siddiqui, Advocate.
For Respondent-State	:	Mr. Vinod Deshmukh, Deputy Government Advocate.

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

Order on Board

Per NAVIN SINHA, C.J.

03/12/2015

1. The Petitioner is stated to be a Class 'B' registered Contractor having Unique Identification no. CGeR05934, eligible to participate in tender process up to Rs.10 Crores. He is aggrieved by denial of consideration of his bid in response to Notice Inviting Tender dated 14.7.2015 for construction of Overhead Reservoir of 650 KL capacity containing a condition of satisfactory work experience of 50% of the same value of work.
2. The Respondents contend that he did not have the requisite experience for construction of 325 KL high level water tank which was necessary in accordance with the reservoir size mentioned in the advertisement.

3. Learned Counsel for the Petitioner has invited our attention to order dated 22.1.2015 in Writ Petition (C) No. 115 of 2015 preferred by the Petitioner challenging a similar condition in respect of another contract published by another department and he would be satisfied if the writ petition is disposed in terms of the same. The next submission is that the Public Works Department is the Nodal agency for laying down qualifications for award of works.

4. Learned Counsel for the State has no objection to the same.

5. We do not consider it necessary to make any observations with regard to the Nodal agency as those are matters to be considered by the authorities themselves.

6. The writ petition is disposed in similar terms as Writ Petition (C) No. 115 of 2015, dated 22.1.2015.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge