

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1639 of 2015**

M/s Gayatri Construction, Through Its Proprietor Anurag Jaiswal, Son Of J. L. Jaiswal, Aged About 44 Years, Office Subham Vihar, Near Balani Hospital, Mungeli Road, Bilaspur, Residence Of Flat No. 307, Vaishali Pride, Minocha Colony, Mungeli Road, Bilaspur, District Bilaspur, Chhattisgarh.

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Public Health And Engineering Department, Mahanadi Bhawan, Mantralaya, P. S. Rakhi Tahsil Aarang, Naya Raipur, District Raipur Chhattisgarh.
2. Executive Engineer, Public Health Engineering, Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.
3. Superintendent Engineer Public Health Engineering, Raipur Zone, District Raipur, Chhattisgarh.

---- **Respondents**

Shri C. Jayant K. Rao and Shri Harish Kuntiya, Advocates for the Petitioner.
Shri B. Gopa Kumar, Deputy Advocate General for the State.

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

Order On Board**Per Navin Sinha, Chief Justice****15/09/2015**

1. Heard Learned Counsel for the Petitioner and the Respondents.
2. The Respondents published tender notice dated 14.7.2015 inviting bids for design, construction, testing and commissioning of RCC overhead service reservoir for 500 KL capacity. The Petitioner inter alia was a bidder. It is aggrieved by the rejection of its bid as not qualifying for consideration.
3. Learned Counsel for the Petitioner submits that according to the NIT, the bidder was required to have experience for construction of at least 50% of the water reservoir capacity as mentioned in the advertisement. Even if the

Respondents consider it as 50% of the value of the contract at 38.72 lacs, the Petitioner fulfills both requirements as it has the experience of constructing 260 KL water reservoir and the value of which was 21.90 lacs. The rejection of its bid on the ground that it did not meet the conditions of the tender is bad.

4. Learned Counsel for the State submitted that according to the NIT, the experience certificate of successful completion of works of the same nature was required to be in the contractors/firms company's own name. The certificate produced by the Petitioner was in respect of works executed by it on behalf of M/s. S.K. Construction Company, Jabalpur and not that the works in question were allotted in the own name of the Petitioner. There was thus no illegality in the rejection of its bid as not complying with the terms of the NIT.

5. We have considered the submissions on behalf of the parties.

6. If the terms of the NIT provided that the experience certificate had to be in the own name of the applicant and the certificate produced by the Petitioner related to works executed by it on behalf of another who had been awarded the works, we find not infirmity in the rejection of the Petitioner's tender on that ground even if the certificate had been issued by the Executive Engineer, calling for interference.

7. The Writ Petition is dismissed.

Sd/-
(Navin Shiha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE

