

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1827 of 2015**

M/s. Karunawati Singh Through Proprietor Smt. Karunawati Singh, W/o Shri Deependra Singh, aged about 32 years, Resident of village Barondhi, Post Bhatgaon, P.S. Bhatgaon, District Surajpur, Chhattisgarh.

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

1. State of Chhattisgarh, Through the Secretary, Public Works Department, Mahanadi Bhawan, New Mantralaya, Raipur, Chhattisgarh.
2. The Chief Municipal Officer, Nagar Panchayat, Jarhi, District Surajpur, Chhattisgarh.
3. The Superintending Engineer, Nagar Panchayat, Jarhi, District Surajpur, Chhattisgarh.
4. The Executive Engineer, Nagar Panchayat, Jarhi, District Surajpur, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Shri Apoorva Tripathi, Advocate.
For Respondents/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****12/10/2015**

1. Heard Learned Counsel for the Petitioner and the State.
2. Learned Counsel for the Petitioner states that on 19.8.2015, a second notice inviting tender for 18 works was published. The last date for submission of the bids was 11.9.2015 and the bids were to be opened on the same day. The bid of the Petitioner was rejected because it was in the forms prescribed in the first tender notice when there was no such stipulation in the second tender notice prohibiting the same.
3. Learned Counsel for the State invites our attention to the fact that if the bids were to be opened on 11.9.2015, the writ petition has been filed nearly one month later on 8.10.2015. There is no specific statement in paragraph 8.5 of the writ petition with regard to the date when the Petitioner was informed that its bid was not acceptable for any reason.

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

5. In a commercial venture, there is always an urgency. There is no specific assertion in the writ petition with regard to the date on which the Petitioner was informed that its bid was not acceptable. There is no explanation why it has chosen to approach this Court one month later. There is also no statement that till the date of filing of the writ petition, bids had not been settled with any bidder. Applying normal commercial prudence, we consider the period of one month as sufficient in absence of necessary pleadings for the tender to have been finalised.

6. We are therefore not inclined to entertain the writ petition for reasons attributable to the Petitioner itself in not being alert and vigilant for protection of its own interest.

7. The writ petition is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE