

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.1142 of 2016

Karamlal Aditya S/o Bhakhlaram Aditya, Aged About 46 Years R/o Ward No. 6 Navagarh Nagar, Panchayat, P.O. & P.S. Navagarh, District Janjgir-Champa, Chhattisgarh

---- Petitioner

versus

1. State of Chhattisgarh Through The Secretary, Local Administration Department, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Collector, Janjgir Champa, District Janjgir-Champa Chhattisgarh
3. Deputy Collector, Janjgir-Champa, District Janjgir-Champa Chhattisgarh
4. Chief Municipal Officer, Nagar Panchayat Navagarh, Janjgir-Champa Chhattisgarh
5. Vijay Kashyap S/o Prakash Kashyap, Aged About 25 Years R/o Ward No. 8, Navagarh, Nagar, Panchayat, P.O. & P.S. Navagarh, District Janjgir-Champa Chhattisgarh

---- Respondents

For Petitioner	:	Smt. Meena Shastri, Advocate
For State/Respondents No.1 to 3:		Shri Raj Kumar Gupta, Deputy Advocate General

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

Order on Board

Per Navin Sinha, Chief Justice

3/5/2016

1. The Petitioner was awarded a contract for supplying workers and labourers in the Nagar Panchayat, District Janjgir-Champa for the year 2015-2016. Any general body decision of the Nagar Panchayat to award him the contract for the subsequent financial year exclusively without open tender and competitive invitation of bids clearly falls foul of Article 14 of the Constitution and to that extent we find no merit in the writ application.

2. The next submission is that the Petitioner has also submitted his offer to the new tender notice for the financial year 2016-2017. But, in view of a frivolous complaint filed against him with regard to certain alleged deficiencies in execution of the earlier contract, he apprehends that the authorities may not consider his offer under the new tender.

3. Learned Counsel for the State submits that any apprehension on part of the Petitioner with regard to what may or may not happen under the new tender is clearly pre-mature.

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

5. If a person bids in response to a tender, it is required to be considered in accordance with law and if any material outside the same is to be taken into consideration, obviously principles of natural justice have to be followed.

6. It is expected that the tender submitted by the Petitioner will be considered on its own merits in accordance with law without being prejudiced by the institution of the present writ application and that we may have declined to interfere in the same.

7. The writ application stands disposed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE