

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 50 of 2015**

Tuleshwar Singh S/o Late Balam Singh aged about 56 years R/o village Shivpur Post Bhuneshwerpur P.S. and Tahsil Ramanuj Nagar District Surajpur Chhattisgarh.

---- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary Tribal Welfare Department Mahanadi Bhawan Naya Raipur Revenue and Civil District Raipur Chhattisgarh.
2. State of Chhattisgarh through Secretary General Administration Department Mahanadi Bhawan Naya Raipur Revenue and Civil District Raipur Chhattisgarh.
3. Commissioner Tribal Welfare Department Raipur Revenue and Civil District Raipur Chhattisgarh.
4. Commissioner Surguja Division Ambikapur Revenue and Civil District Raipur Chhattisgarh
5. Collector Surajpur Revenue and Civil District Raipur Chhattisgarh.
6. Assistant Commissioner Tribal Welfare Department Surajpur Revenue and Civil District Surajpur Chhattisgarh.
7. General Manager District Industry Centre Surajpur Revenue and Civil District Raipur Chhattisgarh.
8. Superintendent Eklavya Adarsh Awasiya Vidyalaya Sheoprasad Nagar (Banja) Revenue and Civil District Surajpur Chhattisgarh.
9. Superintendent Adivasi Balak Ashram Ketka Block Surajpur Revenue and Civil District Surajpur Chhattisgarh.
10. Bajrang Jain Proprietor of M/s Ambika Super Sales Bhaiyathan Road Surajpur Post PS and Tehsil Surajpur Revenue and Civil District Surajpur Chhattisgarh.

---- **Respondents**

For Petitioner	: Shri Surfaraj Khan, Advocate.
For Respondents No.1 to 7	: Shri A.S. Kachhawaha, Additional Advocate General.
For Respondent No. 10	: Shri Pragalbha Sharma, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Order on Board

Per Deepak Gupta, Chief Justice

21/07/2016

1. The grievance of the Petitioner is that Respondents No.3 and 6 have purchased Wooden Takhat (Wooden Bed) at an exorbitant rate without floating tender.
2. The stand of the Respondents/State is that the tenders were floated twice, but because at both the times some bids were rejected and number of valid bids were less than three, as per the Chhattisgarh Store Purchase Rules, 2002, no further action could be taken in those tenders. There was an urgency to purchase wooden beds which were required for the students staying in the tribal hostel. Since admittedly, tenders were submitted twice, Respondent No.6 has filed his personal affidavit enclosing therewith a chart showing the rates of the tendered items as offered by the tenderers in those two tenders, which were later cancelled.
3. Affidavit has been filed in which it is stated that on both the occasions, when the tenders were floated, the minimum required number of three tenders either were not submitted or not found formal and since the number of qualified bidders were less than three, the financial bids were not opened. Therefore, the chart cannot be prepared in terms of the order passed by this Court. We are dealing herewith a case where these wooden beds had to be purchased for the inmates of the tribal hostels. The total value of the contract is Rs. 4,36,125/-.
4. It has been urged that these tenders have been floated and purchase order has been placed in violation of rules relating to procurement of the goods known as "Chhattisgarh Store Purchase Rules, 2002". We are not going into

this question because the value of tender is only Rs. 4,36,125/- and the requirement was urgent in nature. We do not feel that this is a fit case where we should invoke our writ jurisdiction. The need was urgent. Earlier, even when twice tenders were not floated through the CSIDC, the Petitioner never approached this Court stating that those tenders have not been properly floated through the CSIDC.

5. At this stage, we cannot go into the question when the only question is whether the beds should have been purchased without floating the tender.

6. We therefore find no merit in this petition. It is dismissed accordingly.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE