

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.1847 of 2016**

M/s C.D.O. Securities and Public Helpline Service, through Its Proprietor Anjani Kumar Dwivedi, son of Shri Shyam Lal Dwivedi, aged about 36 years, Address H.O.D. 3 New Indira Market, Near Bhilai Power House Railway Station, Bhilai, District Durg, Chhattisgarh

---- Petitioner

Versus

1. Pt. Ravi Shankar Shukla Vishwavidhyalaya, Raipur, Chhattisgarh Through its Vice Chancellor, Pt. Ravi Shankar Shukla Vishwavidhyalaya, Raipur, Chhattisgarh.
2. New Bharat Security and Detective Services, Through its Managing Director, Mahendra Wankede, M-11/161, Kabir Nagar, Rind Road No.2, Raipur, C.G.

---- Respondents

For Petitioner : Mr.C.J.K.Rao, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Justice Sanjay K. Agrawal

Judgement on Board

Per Deepak Gupta, Chief Justice

25/07/2016

1. By means of this writ petition, the petitioner has sought quashing of the Notice Inviting Tender (henceforth "NIT") dated 25.2.2016 and subsequent action taken on the basis of NIT.
2. The NIT was issued on 25.2.2016, last date of submission of tender was 16.3.2016 and date of opening of tender was 21.3.2016.
3. It is admitted that pursuant to this tender, work order has also

been issued to respondent No.2. The instant writ petition was filed on 18.7.2016.

4. The main challenge in this writ petition is to the two conditions i.e. Conditions No.25 and 36 of tender document.
5. Condition No.25 states that certificate of registration of Labour must be attached and condition No.36 states that the firm should have permanent live registration with the police headquarters.
6. It is submitted by Mr.C.J.K.Rao, learned counsel appearing for the petitioner, that these conditions are totally illegal. According to him, condition No.25 requires labour licence and such licence will be available only after the work is awarded. With regard to condition No.36, his submission is that the tender requires permanent registration, whereas under the Private Security Agencies (Regulation) Act, 2005, registration can only be for a period of five years.
7. We find no force in these submissions.
8. A person engaged in providing labour can be registered under the provisions of various labour laws and registration is required for labour and not for work.
9. The petitioner admitted that he is doing similar work in the NTPC and therefore, he must have taken some certificate about Labour and that could have been annexed with the tender form.

- 10.** We are not in agreement with the second submission that tender document requires permanent registration. Respondent No.1 has put the condition that at the time of submission of tender, the firm should have permanent live (जीवित) registration.
- 11.** Therefore, we are of the view that the petitioner is not entitled for any relief. Furthermore the petitioner did not take part in the tender process and did not come to the Court immediately after the NIT was issued or before the work was awarded. He has waited for more than five months, which itself makes the writ petition barred by principles of delay and laches.
- 12.** In view of the above, the writ petition is dismissed. No order as to cost(s).

Sd/-

(Deepak Gupta)
Chief Justice

Sd/-

(Sanjay K.Agrawal)
Judge