

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (C) NO. 264 OF 2016

M/s HR SR Infrastructure Company, a partnership firm, registered under the relevant provisions, through its partner namely Rajkumar Banshal, S/o Late Shriram Agrawal, aged about 50 years, R/o Ambikapur, Police Station & Post Ambikapur, Civil & Revenue District Sarguja (C.G.), the registered office of the firm is at Jaisthambh Chowk, Ambikapur, Police Station & Post Ambikapur, Civil & Revenue District Sarguja (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur (C.G.)
2. Executive Engineer, Water Resources Department, Division No.1, Ambikapur, District Sarguja (C.G.)
3. Engineer-in-Chief, Water Resources Department, Chhattisgarh, Raipur, District Raipur (C.G.)
4. M/s Nityanand Singh, 001, through its partner namely Shri Nityanand Singh, S/o Late Banwari Singh, aged about 52 years, R/o Mayapur, Ambikapur, Police Station and Post Ambikapur, Civil and Revenue District Sarguja (C.G.)

... Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate.
For Respondent-State	:	Mr. Prafull Bharat, Additional Advocate General.

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

Order on Board

Per NAVIN SINHA, C.J.

01/02/2016

1. The Respondents published a Notice Inviting Tender no. 4160, dated 3.8.2015 for construction of weir, pickup weir and main canal structure of Udamkela Diversion Scheme.
2. According to the Learned Counsel for the Petitioner, the technical/pre-qualification bid was opened on 16.10.2015 and the financial bid was to be opened on 29.12.2015. Respondent No.4 has been declared L1 even though his offer was not complete in all respects and thus he was not eligible to be considered.

3. Learned Additional Advocate General submits that from the NIT documents it appears that the last date for award of tender was 27.11.2015. The fairness in the tender process is evident from the fact that the Petitioner has been declared L2.

4. We have considered the submissions on behalf of the parties and find that the Petitioner has rushed to this Court directly without approaching the concerned Respondents first, inviting their attention to any omission that may have taken place in the consideration of the offer of Respondent No.4. This cannot be construed as any opinion or observation by us with regard to the correctness of the allegations with regard to Respondent No.4. Suffice it to observe that the grounds sought to be urged by the Petitioner are factual in nature and which according to us the Respondents are first best suited to examine.

5. If the Petitioner files such a representation, the Respondents are expected to consider the same in accordance with law and if circumstances so warrant grant due opportunity of hearing to the parties concerned and take a final decision by a reasoned and speaking order.

6. The writ petition is disposed with the aforesaid observations.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge