

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1495 of 2017

- M/s C.R. Sarbabidya a proprietorship firm and class A contractor having its Registered Office at Rani Road, Korba, district Korba (Chhattisgarh) through its proprietor namely Shri C.R. Sarbabidua, aged about 82 years, r/o Rani Road, Korba, District Korba (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh through Its Secretary, Public Health Engineering Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur (Chhattisgarh)
2. Executive Engineer, Public Health Engineering, Division Korba, Industrial Training Institutes Chowk, Rampur Korba, District Korba (Chhattisgarh)
3. Engineer In Chief, Public Health Engineering Department, Chhattisgarh, Raipur, District Raipur, Chhattisgarh
4. Superintending Engineer, Public Health Engineering Department, Bilaspur Division Bilaspur, District Bilaspur (Chhattisgarh)
5. Chief Engineer, Public Health Engineering Department, Zone Bilaspur District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner	: Shri Manoj Paranjape, Advocate
For Respondents/State	: Shri RK Gupta, Deputy Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

10.11.2017

- 1) We have heard learned counsel for the petitioner and the learned Deputy Advocate General for the State.
- 2) This Writ Petition is filed seeking to quash the issuance of the Notice Inviting Tender (NIT) on 06.05.2017. A re-consideration of the entire matter by the respondents is also sought for.

3) The petitioner was awarded a contract for a civil work. On the allegation that the work was not carried forward, including by taking requisite preliminary steps, the contract was terminated and fresh NIT was issued on 06.05.2017. We see that even if there is any sustainable ground of unlawful termination of contract or breach of terms of the contract between the petitioner and the government, such disputed questions of facts cannot be adjudicated in writ jurisdictions, having regard to the defense set up by the respondents and the reliefs sought for by the petitioner. Under such circumstances, we are of the view that all contentions of the petitioner in relation to the contract in question deserve to be preserved for being agitated in appropriate jurisdiction other than the writ court, if the petitioner desires to seek relief from such jurisdiction.

4) In the result, this writ petition is dismissed holding that the questions raised cannot be adjudicated in writ jurisdiction. All contentions on merits are left open.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge