

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2371 of 2017

(Arising out of impugned order dated 09.07.2015 by the Municipal Council,
Balrampur)

- M/s Jai Mata Di Infratech Private Limited Represented By Its Director Mr. Raj Kumar Gupta S/o Mr. Late Shri Vasudev Prasad Gupta, Aged About 63 Years, Having Its Registered Office @ Kachhiya Bhavan Kedarpur, Ambikapur District Sarguja Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Its Principal Secretary, Urban Administration And Development, Mantralaya, New Raipur, Chhattisgarh.
2. Director, Directorate, Town And Country Planning, Indravati Bhawan, Block - D, 4th Floor, New Raipur, Chhattisgarh, Pin - 492002
3. Chief Engineer Directorate, Town And Country Planning, Indravati Bhawan, Block - D, 4th Floor, New Raipur, Chhattisgarh, Pin - 492002
4. Municipal Council Balrampur, Through Its Chief Municipal Officer, District Balrampur Ramanujganj, Chhattisgarh. **---- Respondents**

For Petitioner	: Shri Anand Dadariya, Advocate
For Respondent/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

30.08.2017

- 1) We have heard the learned counsel for the petitioner and the learned Deputy Advocate General for the State.
- 2) The matter relates to the award of a contract by the Fourth Respondent- Municipal Council, Balrampur.
- 3) The petitioner was the lowest tenderer pursuant to a Notice Inviting Tender, issued by the Fourth Respondent. Annexure P/1 is issued on 09.07.2015 cancelling the tender, though the petitioner had quoted the lowest. The reason for cancellation is that in spite of repeated reminders,

the petitioner had not turned up to enter into the contract with the Fourth Respondent. Learned counsel for the petitioner, relying on documents obtained subsequently under the RTI, argued that the petitioner did not get any of those communications and it is not possible to attribute knowledge of the contents of the earlier communications that were, allegedly, addressed to the petitioner. We are at the fag end of August, 2017. If we are to reopen the consequences of Annexure P/1 issued on 09.07.2015, including the cancellation of a contract, it would be too delayed an exercise, which may have far reaching repercussions on the administrative situation touching the matter in issue. We do not, therefore, think that in writ jurisdiction, the plea of the petitioner that the earlier communications were not given to him can be countenanced. We are also not impressed by the mere fact that there was an earlier Writ Petition filed challenging Annexure P/1. That had found its end through its withdrawal sometime in 2016.

4) For the aforesaid reasons, we hold that this Writ Petition as against Annexure P/1 issued by the Fourth Respondent is highly belated and cannot be entertained in writ jurisdiction. Hence, this Writ Petition is liable to be dismissed preserving whatever right the petitioner may have to be agitated in appropriate jurisdictions in relation to the issuance of Annexure P/1.

5) Subject to what is said in the immediately preceding paragraph, this Writ Petition is dismissed *in limine*.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge