

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3214 of 2016**

- M/s Yuva Construction Co. Through: Partner Abhimanyu Mishra, S/o Vidhan Mishra, Aged About 30 Years, R/o Civil Lines, Raipur, District Raipur, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Urban Administration And Development Department, Mahanadi Bhawan, New Mantralaya, Raipur, (Chhattisgarh)
2. The Director, Urban Administration And Development Department, Indrawati Bhawan, New Mantralaya, District Raipur (Chhattisgarh)
3. Municipal Corporation, Bilaspur, Through Commissioner, Municipal Corporation, District Bilaspur, (Chhattisgarh)
4. The Executive Engineer, Municipal Corporation Bilaspur, (Chhattisgarh)

---- Respondents

For Petitioner :Shri Kishore Bhaduri and Shri Rahul Jha, Advocates
 For Respondent No.1 & 2 :Shri Prafull N. Bharat, Additional Advocate General
 For Respondent No.3 & 4 :Shri Ashutosh Singh Kachhawaha, Advocate.

Hon'ble The Chief Justice
Hon'ble Shri Justice Sanjay Agrawal

Order On Board**31/01/2017****Per Deepak Gupta, Chief Justice**

1. Though this petition is not styled as Public Interest Litigation, when we go through the prayers and the averments made, it is obvious that the petition filed by the petitioner is in the nature of Public Interest Litigation. The reason for saying this is that the petitioner claims that the tenders have been floated by the Bilaspur Municipal Corporation in such a manner that very high price is being paid for

construction of roads. The claim of the petitioner is that the Schedule of Rates (SOR) applicable in the present case is also applicable to National Highways. The petitioner complains that the roads which have been constructed are within the city and they are not required to be that of the same standard of National Highways. The second contention is that the contractors with little or no experience are being permitted to participate.

2. The petitioner is a firm of contractor and has filed this petition through one of its partners. It may be true that the petitioner has not taken part in the tender process, but such litigation, in our opinion, cannot be entertained when the petitioner is a rival in the tender process. This is definitely not a Public Interest Litigation. It has been filed for some other interest.

3. We, therefore, reject this petition. We, however, make it clear that we have not expressed any opinion on the issues raised by the petitioner and if these issues are raised in any appropriate petition, we shall decide the same.

Sd/-

(Deepak Gupta)
Chief Justice

Sd/-

(Sanjay Agrawal)
Judge