

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (PIL) NO. 70 OF 2017

Girja Sai S/o Shri Shivcharan, aged about 36 Years, R/o Ward No. 6, Main Road, Kasdol, District Balodabazar Bhatapara (Chhattisgarh).

... Petitioner

Versus

1. State of Chhattisgarh, through : the Secretary, Town Administration and Development Department, Mahanadi Bhawan, Naya Raipur (Chhattisgarh).
2. The Collector, Balodabazar-Bhatapara (Chhattisgarh).
3. Nagar Panchayat/Nagar Palika Parishad, Kasdol, through : its President Nagar Palika Parishad, Kasdol, District Balodabazar-Bhatapara (Chhattisgarh).
4. Chief Municipal Officer, Nagar Panchayat, Kasdol, District Balodabazar-Bhatapara (Chhattisgarh).
5. Jai Shyam Sahu, Resident of Village Kotiyadeeh (Katgi), Block Kasdol, District Balodabazar-Bhatapara (Chhattisgarh).
6. M/s Ayan Construction, through : Proprietor Mohammad Asif Baid, 20/30, Near Khoja Jamat Khana, Bairan Bazar Raipur, District Raipur (Chhattisgarh).
7. Shri Sairam Builders Raipur, through its Partner : Neeraj Pandey, Shri Sairam Builders, Near Agrasen Chowk Raipur, District Raipur (Chhattisgarh).

... Respondents

For Petitioner	:	Mr. P.P. Sahu, Advocate.
For Respondents 1 & 2	:	Mr. Y.S. Thakur, Addl. Advocate General.
For Respondents 3 & 4	:	Mr. Y.C. Sharma, Advocate.
For Respondents 6 & 7	:	Mr. Kshitij Sharma, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per Thottathil B. Radhakrishnan, C.J.

11/05/2017

1. We have heard learned Counsel for the Petitioner, learned Additional Advocate General, learned Counsel for Respondents 3 & 4 and learned Counsel for Respondents 6 & 7.
2. The Petitioner has filed this Public Interest Litigation challenging the process by which the contracts have been awarded by Respondent 3 - Nagar Panchayat. To a large extent, we are satisfied that the Petitioner is justified in saying that Respondents 3 & 4 have handled the award of contract in a manner which may, for many reasons, be described as

callous. We say this because printed form contract documents are made and they are filled up in such a manner that essential details as to the identity of the person making the offer and the rates for which the offer is made is recorded. There is nothing else on the face of the documents. The EMD details and other aspects are stated in the opening part of each documents. In some of the documents, the signature of the contractor is witnessed by the contractor's witness.

3. While the materials on record may raise certain doubts regarding the regularity and propriety of the official acts carried out by Respondents 3 & 4, those situations, by themselves may not generate cause sufficient enough for us to interfere through this Public Interest Litigation, particularly when Respondents 6 & 7 have showed that their documents disclosed at least their identity and the rates for which they had quoted. We say this because Respondents 6 & 7, even going by the submissions made on behalf of Respondent 3 & 4, were awarded with the respective works and they have by now carried out around 50 to 60% of the work, it is stated. In so far as Respondent 5 is concerned, even according to Respondents 3 & 4, the said person did not commence the work and has been issued with a notice of termination. Obviously, therefore, that issue will take its course in accordance with the action taken by Respondents 3 & 4.

4. We record the aforesaid facts and order this writ petition requiring the State Government, the District Collector and Respondents 3 & 4 to ensure that sufficient care and caution is exercised with due diligence in the matter of maintaining public and official records in relation to contracts in the public domain.

5. The Writ Petition is ordered accordingly.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge