

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3274 of 2017**

- Mahamaya Constructions, through its Proprietor Sandeep Rungta, S/o Late G.R. Rungta, aged about 44 years, Office – Mahamaya Construction, Raipur 231, 2nd floor, Risabh Complex, MG Road, Raipur (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh, through the Secretary, Department of Public health Engineering, Mahanadi Bhavan Mantralaya, New Raipur (C.G.)
2. Engineer-in-Chief, Department of Public Health Health Engineer, Indrawati Bhawan, Naya Raipur (C.G.)
3. Chief Engineer, Department of Public Health Engineering, Raipur zone, Raipur (C.G.)
4. Superintending Engineer, Public Health Engineering Department, Engineering Department, Raipur Circle, Raipur (C.G.)
5. Executive Engineer, Public Health Engineering Department Division, Baloda-Bazaar, District Balodabazar-Bhatapara (C.G.)

---- Respondents

For Petitioner	:	Shri Goutam Khetrapal, Advocate.
For Respondents	:	Shri Prafull N. Bharat, Addl. Advocate General

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

Order On Board**06/12/2017****Per Thottathil B. Radhakrishnan, C.J.**

1. Heard learned counsel for the petitioner and learned Additional Advocate General for the State.
2. This writ petition is filed on the precise allegation that the respondents ought to consider the affidavit, which is at page No.37 of the writ petition, as complete

disclosure in terms of clause 1.3 in the Notice Inviting Tenders. That affidavit does not contain any detail regarding the works carried out by the petitioner. The plea of the petitioner is that the details of work in hand was appended to the affidavit in the form of a statement (at page 39). We see that the affidavit sworn to on 08.05.2017 contains a statement that the tenderer is placing a list of works done. The petitioner is stated to be a proprietary concern by name Mahamaya Constructions. Its proprietor is Sandeep Rungta. Adverting to the document at page No.39, we see that it is not dated; it is not attested or notarised and carries what appears to be the signature stating that it is the signature of the authorised signatory/proprietor (Sanjeev Rungta/Sandeep Rungta). When Sandeep Rungta is before us asserting that he is the offeror of the tender, we cannot compel the Government to act on the document, which is at page No. 39, as due and complete disclosure in terms of the requirement of the conditions of the tender, which has been issued by the competent authority. Fixing such conditions as would be necessary to take the contract forward, is essentially a matter within the domain of the Government and its authorised agent, which had issued a Notice Inviting Tender.

3. We do not find any ground to interfere with the decision of the respondents and to issue any direction through this writ petition in exercise of authority under Article 226 of the Constitution of India.

4. This writ petition, therefore, fails and the same is accordingly dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sanjay Agrawal)
Judge