

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3431 of 2017

- Terumo Penpol Pvt. Ltd.I-2, Jawahar Nagar, Kowdiar P. O. Thiruvananthapuram, 695003

---- Petitioner

Versus

1. Chhattisgarh Medical Services Corporation Ltd. 3rd Floor, Govind Sarang Vyavasayik Parisar, Raipur, Chhattisgarh.
2. Director, Medical Health, Services, Raipur, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Krishnan Ramesh and Shri Akhilesh Kumar, Advocate
For Respondents	: Shri CJK Rao, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

15.12.2017

- 1) This Writ Petition is by one who had submitted a tender in response to an NIT.
- 2) We have heard the learned counsel for the petitioner and the learned counsel for respondent- 1, which had invited the tenders.
- 3) It is the undisputed position that earnest money deposit of Rs.3,33,000/- had to be provided by the tenderer. The petitioner, in its wisdom, took recourse to RTGS (Real Time Gross Settlement) transfer for the said amount. However, the banker transferred an amount of Rs.3,30,000/-. It appears that thereafter the banker made a separate transfer of Rs.3,000/-. Collectively, the amounts will come to Rs.3,33,000/-. But, the first respondent is dealing with the tenders through

E-tender process and from stage to stage, it proceeds on the basis of data that becomes available to the e-processing system. Therefore, though the petitioner states that there is no fault that could be attributed to it and the banker's action may be taken as *bona fide* mistake, as has been clarified by the bank; in the realm of such contracts through E-tendering process, it may not be possible for us to issue any direction to the first respondent to put the clock back, or to reconsider the offer of the petitioner from the stage of which EMD (Earnest Money Deposit) scrutiny was made. We have taken a similar view in yet another matter relating to contracts with the Chhattisgarh Civil Supplies Corporation in Writ Petition (C) No. 1715 of 2017 (M/s. Surya Road Lines Vs. Chhattisgarh State Civil Supplies Corporation Limited and Ors.) decided on 04.07.2017. We are, therefore, inclined to dismiss this Writ Petition.

4) In the result, this Writ Petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge