

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3419 of 2017**

- Shankar Thakur S/o Late Shri Bholanath Thakur, Aged About 47 Years R/o Bauri Para, Ambikapur, District Surguja Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Public Health Engineering Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. The Engineer - In - Chief, Public Health Engineering Department, Chhattisgarh, Raipur Chhattisgarh.
3. The Superintending Engineer, Public Health Engineering Department, Circle Ambikapur, District Surguja Chhattisgarh.
4. The Executive Engineer Public Health Engineering Division, Ambikapur, District Surguja Chhattisgarh.
5. M/s Balram Das, Through Its Proprietor Balram Das Son Of Late Charan Das, Aged About 55 Years, Resident Of Bramha Road, Tahsil Ambikapur, District Surguja Chhattisgarh.

---- Respondents

For Petitioner	:	Shri D. N. Prajapati, Advocate
For Respondents/State	:	Shri Prafull N. Bharat, Additional Advocate General

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Sharad Kumar Gupta****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****14.12.2017**

1. This writ petition is filed challenging Annexure – P/1, Notice Inviting Tender; for short, 'NIT' and also the proposal to award the work to the 5th Respondent.
2. We have heard the learned Counsel for the Petitioner and the learned Additional Advocate General.

3. Annexure – P/1, NIT, was issued on 06.11.2017. That itself is the 2nd NIT. The bid start date was 08.11.2017, pre-bid discussion ended on 13.11.2017, the physical document submission was till 21.11.2017 and bids were opened on 21.11.2017. Envelope “C” which is a commercial bid was opened on 23.11.2017. The writ petition was filed on 13.12.2017. Obviously, it is too late in the day to challenge the terms of the NIT.
4. The plea of the Petitioner is that the official respondent acted illegally in confining Annexure – P/1 tender to “B” Class contractor and that the Petitioner who is only a “D” Class contractor is also entitled to submit NIT. This cannot be accepted. It is the volition of the inviting authority to decide, within reasonableness, the zone of consideration of offerors for a contract.
5. The next plea raised by the learned Counsel for the Petitioner is that the 5th Respondent has been illegally brought in though he is not qualified. This is a plea which could be raised, if at all, only by one who quoted and contested on the basis of the NIT. The Petitioner is not one such. Therefore, we do not deem it appropriate to entertain the Petitioner's challenge in that regard. For the aforesaid reasons, this writ petition fails.
6. In the result, the writ petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge