

HIGH COURT OF CHHATTISGARH, BILASPUR**Reserved on 19.02.2018****Delivered on 22.02.2018****Writ Petition (C) No. 380 of 2018**

- Ajay Kegrival S/o Late Shri Shubh Karan Kegrival, Aged About 30 Years R/o Sariya Road, Ward No. 9, Baramkela, District : Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhavan, Capital Complex, New Raipur, P.S. Rakhi, District : Raipur, Chhattisgarh
2. Collector, Raigarh, District : Raigarh, Chhattisgarh
3. Nagar Panchayat, Baramkela, Through: Chief Municipal Officer, Baramkela, District : Raigarh, Chhattisgarh
4. Rajesh Tiwari, Chief Municipal Officer, Nagar Panchayat Baramkela, District : Raigarh, Chhattisgarh

---- Respondents

For Petitioner	: Shri Sudeep Agrawal and Shri Vivek Agrawal, Advocates
For Respondent/State	: Shri Y.S. Thakur, Additional Advocate General
For Respondents No. 3 & 4 :	Shri H.B. Agrawal, Senior Advocate with Shri Pankaj Agrawal, Advocate

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

C.A.V. ORDER**Per Sharad Kumar Gupta, Judge**

1. Heard on I.A. No. 2/2018 for taking documents on record.
2. On due consideration, the application is allowed. The documents are taken on record.

3. Heard the matter finally with the consent of the parties.
4. The writ petitioner preferred this writ petition seeking direction to respondent No. 3 Nagar Panchayat, Baramkela to issue the tender form in pursuance of Notice Inviting Tender (NIT) dated 6-1-2018 vide Annexure P-1, to set aside Annexure P-1 and further direction to respondent No. 3 to float fresh NIT.
5. In brief, the petitioner's case is that he is registered as class "D" under Unified Registration System, e-Registration. Respondent No. 3 had floated NIT for various works to be done within the territorial jurisdiction of Nagar Panchayat, Baramkela vide Annexure P-1. The last date for submitting the application for obtaining the tender form was 30-1-2018. The petitioner approached respondent No. 4 along with the tender application on 29-1-2018 but he told him that he is busy in Swaccha Abhiyan therefore, he may submit the application to the President of Nagar Panchayat, Baramkela who is also authorized to accept the tender application. Then he submitted the application to the President of Nagar Panchayat, Baramkela. When petitioner approached to the office of respondent No. 3 for getting the tender form on 1-2-2018, tender form was not given to him saying that application has not been submitted before the authorized officer of respondent No. 3 i.e. respondent No. 4 Chief Municipal Officer, Nagar Panchayat, Baramkela. Being aggrieved, the petitioner has preferred this writ petition.
6. It is quite vivid from Annexure P-1 that the authorized officer of respondent No. 3 was respondent No. 4 who had issued Annexure P-1. As per the affidavit Annexure R-3-A, Smt. Varsha Nayak is the President Nagar Panchayat, Baramkela. On 29-1-2018, the petitioner had given an

application for obtaining the tender form to her husband, for which she had given the acknowledgment. Soon after, petitioner had taken back the application on the ground that he wants to examine the documents. Respondent No.4 is the competent officer for the tender purpose. Moreover, the petitioner has submitted the statements of Manoj Patel and Pradeep Agrawal wherein also this has been mentioned that the application had been given to the husband of Smt. Varsha Nayak. The husband of the President, Nagar Panchayat, Baramkela was not authorized to receive the aforesaid application on behalf of respondent no. 3.

7. Looking to the facts and circumstances of the case and materials placed on record, we find no illegality in not giving the tender form to the petitioner.

8. Accordingly, the writ petition being devoid of merit is hereby dismissed in *limine*.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge