

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1287 of 2018**

- Raipur Construction Pvt. Ltd., A company duly incorporated under the provisions of the Companies Act, 1956 and having its office at 24 Ground Floor, Babla Complex, G.E. Road, Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, through Secretary, Urban Administration and Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Raipur Smart City Ltd., through its Managing Director, Chhatrapati Shivajee Maharaj Outdoor Stadium, Near Vivekanand Sarovar, Raipur, Chhattisgarh.
3. Managing Director, Raipur Smart City Ltd., Chhatrapati Shivajee Maharaj Outdoor Stadium, Near Vivekanand Sarovar, Raipur, Chhattisgarh.
4. Chief Executive Officer, Raipur Smart City Ltd., Chhatrapati Shivajee Maharaj Outdoor Stadium, Near Vivekanand Sarovar, Raipur, Chhattisgarh.
5. Chief Operating Officer, Raipur Smart City Ltd., Chhatrapati Shivajee Maharaj Outdoor Stadium, Near Vivekanand Sarovar, Raipur, Chhattisgarh.
6. General Manager, Raipur Smart City Ltd., Chhatrapati Shivajee Maharaj Outdoor Stadium, Near Vivekanand Sarovar, Raipur, Chhattisgarh.
7. Superintending Engineer, Raipur Smart City Ltd., Chhatrapati Shivajee Maharaj Outdoor Stadium, Near Vivekanand Sarovar, Raipur, Chhattisgarh.
8. M/s Maneesh Pipes Pvt. Ltd., Merlin Jaishree Vihar, Pandri Tarai, Raipur, Chhattisgarh.
9. M/s Technodrillers, 38 Vallabh Nagar, Pachpedi Chowk, Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Amrito Das, Advocate.
For Respondent No.1/State	:	Shri U.N.S. Deo, Government Advocate.
For Respondent Nos.2 to 7	:	Shri H.B. Agrawal, Senior Advocate assisted by Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Justice Prashant Kumar Mishra

Order on Board

Per Ajay Kumar Tripathi, Chief Justice

10.08.2018

1. Heard counsel for the parties.
2. The writ application was filed by the Petitioner when in furtherance to the notice inviting tender for laying down pipes for drinking water supply in Raipur Municipal area as part of the Smart City Project, was floated.
3. In the writ application, many allegations have been made in the manner in which the tender was decided and the work which came to be awarded upon the Respondent No.8.
4. When the matter was initially taken up on 04.05.2018, there were an interim order of stay for a period of one week passed by the earlier Division Bench presided by the then Chief Justice. However, subsequently vide order dated 22.06.2018 and taking note of certain factual position, especially with regard to the term deposit on which certain objections had been made by the Petitioner in relation to the private Respondent No.8, the said Bench vacated the order of stay and the matter thereafter was adjourned for hearing.
5. Counsel for the Petitioner, through various documents and evidence which are annexures, has tried to establish before this Court that there were many a shortfall in relation to the response given by the private Respondent to the NIT. Some of those short falls which was sought to be explained away as technical glitches, but as per the counsel did not remain at that.

6. However, we do not find that it is an open and shut case or the reasons so urged before us on which the counsel for the Petitioner wants cancellation of the award of tender and work to Respondent No.8, somehow goes to the root of the matter where gross violation stands established.
7. Even otherwise, since the work has already been awarded and the work has been given certain priority as part of the dead-line which the Raipur city has to meet to be eligible for funding and other support system under the Smart City Projects, we may not like to interfere with this award of tender now which will jeopardize the execution which has already been set in motion. Admittedly the work is being executed by the private Respondent specially after the order of stay was vacated.
8. In the above circumstances the writ application stands disposed off without any interference with the contract.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Prashant Kumar Mishra)
Judge