

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1693 of 2018**

- Sailesh Kumar Agrawal, S/o Late Jagdish Agrawal, Aged About 34 Years, R/o Purani Hatri, Machli Bazar, Sarangarh, District Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary Department of Co-operative, Mantralaya, Naya Raipur.
2. C.G. Rajya Sahakari Bank Maryadit, Through Officer on Special Duty, Gandhi Chowk, Raigarh (C.G.)
3. M.D. Chhattisgarh Rajya Sahakari Bank Maryadit, Headquarter Raipur (C.G.)
4. Collector, District Raigarh (C.G.)
5. Natwar Lal Dansena, S/o Kanhaiya Lal Dansena, Aged About 45 Years, R/o Near Main Chowk, Saria, Tehsil Baramkela, District Raigarh (C.G.)

---- Respondents

For Petitioner	:	Shri B.D. Guru, Advocate.
For Respondent Nos.1&4/State	:	Shri U.N.S. Deo, Government Advocate.
For Respondent Nos.2 & 3	:	Shri Satish Chandra Verma, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Justice Pritinker Diwaker****Order on Board****Per Ajay Kumar Tripathi, Chief Justice****17.07.2018**

1. The award of work by the Respondent-Bank for transportation of fertilizer in terms of the order dated 04.04.2018 in Annexure-P/4 has now been annulled by the Respondent-Bank because within the specified time, the Petitioner neither deposited the security money of Rs.2 lacs nor did he enter into an agreement with the Bank. The impugned order under challenge is dated 31.05.2018.
2. Submissions of the counsel for the Petitioner is that work was awarded since his tender was found to be 'L-1'. He even started transportation of fertilizer in good faith, however, without proper information and on a notice fixing 31.05.2018 as

the date for compliance, which was served only on 02.06.2018, the tender has been cancelled and awarded to the private Respondent.

3. No doubt, the Petitioner was 'L-1' and on that basis the order of acceptance of the bid is reflected from Annexure-P/4 dated 04.04.2018. But then it was subject to compliance which included execution of an agreement and deposit of security money to the extent of Rs.2 lacs, which admittedly the Petitioner failed to do whatever be the reason.
4. In view of the same, keeping in mind the urgency of moving the fertilizers to the field, in the sowing season, if the Bank went for re-allotment of work to the persons whose offer is said to be even lower than the present Petitioner, the cancellation and annulment cannot be said to be bad in law or malafide. Failure was on the part of the Petitioner to complete the agreement.
5. The writ application has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Pritinker Diwaker)
Judge