

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2008 of 2018

- Mohammed Shoaib S/o Rafique Mohammed, Aged About 30 Years R/o Bristol Chowk, House No.8/8, Chhotapara Raipur, Civil And Revenue District Raipur (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department Mahanadi Bhavan, Naya Raipur, District Raipur (CG)
2. Through The Collector Raipur, District Raipur (CG).
3. Vikash Sathe, S/o Late Laxman Rao Sathe, aged about 34 years, R/o House No.176, Sector-02, Housing Board Colony, Saddu, Raipur, District Raipur (CG)

---- Respondents

For Petitioner	:	Mr. Rajkumar Gupta, Advocate
For Respondent No.1 & 2	:	Mr. P.K. Bhaduri, Govt. Advocate
For Respondent No.3	:	Ms. Rashi Tiwari Badgaiyan, Advocate

Hon'ble Shri Ajay Kumar Tripathi, CJ
Hon'ble Shri Parth Prateem Sahu,J

Order on Board

Per Ajay Kumar Tripathi, CJ

31/10/2018

1. Heard learned counsel for the petitioner and respondents i.e. State & private respondent.
2. Two things emerge from the facts, one that almost when half period of tender has elapsed, which was with regard to manning a cycle stand in the Collectorate, the writ application has been filed by the petitioner seeking cancellation of the said tender and secondly, the petitioner has slept over his right, if he had one in the first place. The delayed challenge

will surely come in the way when even otherwise the tender is going to expire by the end of January, 2019 or first week of February, 2019.

3. Other aspect which has been noticed by the Court is that when the first round of tender notice was issued, it came to the notice of the respondent authorities that offset amount was not indicated in the tender notice and since in the present case it was highest bidder who was required to be awarded tender and not L1, as generally is in most of the tenders, therefore, the minimum benchmark by way of revenue which the respondent authorities were looking at, went missing and it would have gone against the very essence or purpose for which the NIT was issued.
4. Even otherwise the private respondent who has been awarded the tender, is highest as his tender is higher by more than Rs.3 Lakhs than the bid which had been offered by the present petitioner.
5. Another thing which has been noticed by us is that the petitioner has been running the cycle stand for a long period of time and therefore the present writ application has been filed more to maintain the monopoly and ensure not to allow any other successful bidder to come into play.
6. In totality, we are not satisfied with the arguments so made that the terms and conditions of the tender have been breached in award of such a tender.
7. The writ application is accordingly dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-