

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2444 of 2018**

M/s. Gupta Construction Company A Partnership Firm Registered Under The Partnership Act, Class A Contractor Registered With Public Works Department, Chhattisgarh Through Its Partner N.K. Gupta, S/o Mohanlal Gupta, Aged About 26 Years, R/o Shailendra Nagar, Raigarh, District Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh.
2. Engineer In Chief, Public Works Department, Nirman Bhawan, Sector 19, New Raipur, District Raipur Chhattisgarh.
3. Chief Engineer (Tender Cell), Public Works Department, Nivida Prakostha, Office Of Engineer In Chief Raipur, District Raipur Chhattisgarh.
4. Executive Engineer, Public Works Department, Bridge Construction Division, Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Respondents

For Petitioner	: Shri Manoj Paranjpe, Advocate.
For Respondent/State	: Shri J.K. Gilda, Advocate General.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board**23/10/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. This writ application stands disposed off with an observation that the obligation of the Respondent authorities to enter into a contract in furtherance to the acceptance of the L-1 as well as issuance of Letter of Intent ('LOI') to the Petitioner will be dependent upon the adjudication which is required to be made in the appeal, which is pending consideration before the Engineer-in-Chief, Public Works Department, Government of Chhattisgarh, Raipur.

3. The reason for refusal by the Respondent authorities to enter into the contract is said to be a decision dated 13.06.2018, by virtue of which, the Contractor has been demoted from Class-A to Class-B category. The rules are in place that if such a decision is taken even during the process of decision making, then the obligation of the Respondents to enter into a contract is not compulsory.
4. The Engineer-in-Chief, Public Works Department, Government of Chhattisgarh is directed that on a production of a copy of this order, he will hear and decide the appeal of the Petitioner within two weeks thereof. The future course of action will be dependent on the said decision.
5. Writ stands disposed off in terms of the above.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE