

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2418 of 2018**

M/s. Himalaya Enterprises, Through Proprietor Vijay Raj Agrawal S/o Ram Vilas Agrawal, Aged About 50 Years, Main Road Bishrampur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan New Raipur, District Raipur Chhattisgarh.
2. Commissioner, Bastar Division, Jagdalpur District Jagdalpur Chhattisgarh.
3. Collector - Cum - President, District Project Livelihood College, Narayanpur District Narayanpur Chhattisgarh.

---- Respondents

For Petitioner	: Shri Keshav Prasad Gupta, Advocate.
For Respondent/State	: Shri UNS Deo, Government Advocate.

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

Order on Board**Per Ajay Kumar Tripathi, Chief Justice****27/09/2018**

1. Heard learned counsel for the Petitioner and the learned Government Advocate for the State.
2. The tender bid of the Petitioner was rejected in the sense that his one envelope in relation to 13 different bids put together was not opened and therefore, he rushed to this Court for a direction.
3. The NIT is in unambiguous terms that for every separate tender, a separate envelope duly marked as to the NIT number with 13 different FDRs must be submitted for consideration so that they can be evaluated separately in relation to those NITs.

4. Admitted position is that the Petitioner put all the 13 bids with 13 FDRs in one envelope not even indicating therein that they related to 13 different tenders.
5. The terms and conditions of the NIT are unambiguous. They have to be unanimously followed by all the bidders and no discretion by way of concession can be allowed in favour of one or the other or else it will violate Article 14 of the Constitution of India, if not lead to unnecessary controversy by allowing discretion to the decision makers.
6. The default is on the part of the Petitioner. Obviously, either he is a first entrant to the area of such bidding or else he would not have taken recourse to such a process and procedure. In addition to that, in the counter affidavit, it has been stated that the last date for submission of the tender document was 06.08.2018 till 03:00 pm and the bid was opened on the same day at 04:00 pm.
7. If that be so, it is too late in the day now to direct the Respondents to open the main envelope, separate all 13 envelopes and consider them now. No case is made out for such direction.
8. The writ application has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE