

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2756 OF 2018**

M/s. Jalaram Food Company, Bajaj Colony, New Rajendra Nagar, Raipur, Tahsil And District Raipur Chhattisgarh, Through It's Proprietor Shri Purna Chand Nayak, S/o Sone Nayak, Aged About 31 Years, R/o Bajaj Colony, New Rajendra Nagar, Raipur Tahsil And District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Medical Education Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh.
2. Director Medical Education, Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh.
3. Joint Director And Superintendent Dr. Bhimrao Ambedkar, Memorial Hospital Raipur Chhattisgarh.

---- Respondents

For Petitioner	: Shri Satish Chandra Verma and Shri Amit Sahu, Advocates.
For Respondent/State	: Shri Prafull N. Bharat, Additional Advocate General.

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

Order on Board**01/10/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. Writ application has been filed by the petitioner challenging the decision of the respondent-State authorities, who in the Notice Inviting Expression of Interest for dietary and its related services for six Government Medical Collages in Chhattisgarh, they have laid down condition of minimum turnover in a year as well as requirement of minimum turnover in the last three years as well.

3. Submission of the counsel for the petitioner is that he was one of the successful tenderers in the last financial year and at that point of time, the respondents had not insisted on minimum turnover in the last three years. This condition has been incorporated only to oust the petitioner from contention.
4. In our opinion, the requirement of last three years turnover is to ensure that a would be bidder has requisite experience of successful completion of tenders over a couple of years, and also to ensure that inexperienced bidders who otherwise may be successful in bid, but may not deliver when it comes down to providing the service so needed.
5. We do not find that insistence of the minimum turnover for three years, which is based on the annual average turnover multiplied by three, has object and purpose of eliminating the petitioner. Even otherwise, such authorities have to be given some leeway in matters of contract as to what they are looking by way of fulfillment of timely and qualitative service, for which, tender may have been issued.
6. The writ application has no merit it is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE