

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2796 of 2018

- Ex- Man Security Service Bilaspur, Through Proprietor Santosh Kumar Singh, S/o Shri Raj Bahadur Singh, Aged About 46 Years, R/o Sai Dham Parisar, Shop No. 204, J.J. Hospital, Torwa Chowk, P.S. Torwa, Bilaspur, Tahsil And District - Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Co-Operative, Mahanadi Bhawan, New Mantralaya, Naya Raipur, District - Raipur, Chhattisgarh
2. The Chhattisgarh State Co-Operative Marketing Federation Limited Through Chairman Cum Managing Director, 6th Floor, Tower-C, Commercial Complex, C.B.D. Sector-21, Atal Nagar, Raipur, District Raipur, Chhattisgarh
3. The General Manager Chhattisgarh State Cooperative Marketing Federation Limited, 6th Floor, Tower- C, Commercial Complex, C B D Sector-21, Atal Nagar, Raipur, District Raipur, Chhattisgarh

---- Respondents

WPC No. 2798 of 2018

- Praveen Intelligence Security Through Praveen Singh, S/o Shri Seetasharan Singh, Aged About 39 Years, At Head Office Balaji Colony, Mandir Hasoud, Raipur, District Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Co-Operative, Mahanadi Bhawan, New Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. The Chhattisgarh State Co-Operative Marketing Federation Limited, Through Chairman Cum Managing Director, 6th Floor, Tower-C, Commercial Complex, C.B.D. Sector-21, Atal Nagar, Raipur, District Raipur Chhattisgarh
3. The General Manager, Chhattisgarh State Co-Operative Marketing Federation Limited 6th Floor, Tower-C, Commercial Complex, C.B.D. Sector-21, Atal Nagar, Raipur, District Raipur Chhattisgarh

---- Respondents

WPC No. 2799 of 2018

- Layence Security Service Through Smt. Bhanushali, W/o Shri Dinesh Bhanushali, Aged About 54 Years, At Office Old Rest House Road, Opp. Hariom Plywood, Dewangan, Complex Rajnandgaon, District- Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department Of Co-Operative, Mahanadi Bhawan, New Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh
2. The Chhattisgarh State Co-Operative Marketing Federation Limited Through Chairman Cum- Managing Director, 6th Floor, Tower-C, Commercial Complex, C.B.D. Sector-21, Atal Nagar, Raipur, District- Raipur, Chhattisgarh
3. The General Manager Chhattisgarh State Co-Operative Marketing Federation Limited, 6th Floor, Tower-C, Commercial Complex, C.B.D. Sector-21, Atal Nagar, Raipur, District- Raipur, Chhattisgarh

---- Respondents

For Petitioners	: Shri Shivraj Singh, Advocate
For Respondent/State	: Shri Prasoon Bhaduri, Government Advocate
For Respondents- 2 and 3	: Shri PN Bharat, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

Per Ajay Kumar Tripathi, Chief Justice

12.10.2018

1. Heard learned counsel for the petitioners and learned counsel for the respondents.
2. The writ applications have been filed raising objections against the amendment which was notified on 20.09.2018 is Annexure P/1 to the writ and is being assailed.
3. The argument made on behalf of the petitioners is that once the terms and conditions of the NIT had been fixed and notified, then it was not open to the respondents to amend those conditions by way of a notification issued subsequently.

4. From the pleadings emerging from the return along with the annexures it emerges that a pre-bid meeting was called of all the bidders and objections were invited. This meeting was held on 14.09.2018. On the objections, a consensus was reached and was recorded in the minutes of the meeting. A copy of which is Annexure R2/1, annexed with the return of respondents- 2 and 3.

5. The amendment so notified in Annexure P/1 to the writ application is a replication of consensus recorded by the Committee, consisting of 05 persons, who have signed on the minutes.

6. If in the pre-bid meeting on the suggestion of the bidders, certain modification with regard to the clauses in question was agreed upon, then the Court will not allow any person to disown such a decision on the ground that the suggestions in question were made by only two or three bidders and those suggestions cannot form the basis and can become binding on the majority. It is always the consensus which is of significance and not the deliberation.

7. All the writ applications, therefore stand dismissed being devoid of merit as there is no irrationality or mischief involved in the said amendment.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge