

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2882 of 2018

- Sharad Shukla S/o Shri Ramesh Shukla, Aged About 53 Years R/o H. No. 291, Sundar Nagar, Raipur Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Public Works Department, P.W.D. Atal Nagar, Raipur Chhattisgarh
2. Chief Engineer, Office of Engineer-In-Chief, Public Works Department, P.W.D. Atal Nagar, Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Kshitij Sharma, Advocate
For Respondents/State	:	Shri A. S. Kachhawaha, Additional Advocate General

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

Per, Ajay Kumar Tripathi, Chief Justice

12.10.2018

1. Heard counsel for the parties.
2. Writ application was filed by the petitioner when a Notice Inviting Tender ('NIT') No. 350/TC/18-19 bearing System Tender No. 44734 issued on 17/09/2018 and the conditions laid down therein for deposit of additional performance security became the cause of action for the petitioner to seek relief of striking down the condition of additional performance security clause.
3. Since petitioner is not the successful bidder, therefore, the condition of providing additional performance security is not needed and the successful bidder is not before this Court making any grievance against the so-called onerous conditions. This Court is not willing to answer a hypothetical question of law as an academic exercise.

4. The writ application is dismissed. We leave the question open to be decided in an appropriate proceeding, if occasion so arises.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

Chandra