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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 595 of 2019**

- M/s Adarsh Kiraya Bhandar Through Its Proprietor- Kuldeep Singh Chawla, S/o Late Trilok Singh Chawla, Aged About 63 Years, R/o Fool Chowk, G.E. Road, Raipur, Tahsil And District- Raipur, Chhattisgarh

---- Petitioner**Versus**

- Chief Electoral Officer Of The Chhattisgarh State, Office Of The State Election Commission, Old Mantralaya, Shastri Chowk, Raipur, Chhattisgarh

---- Respondent

For Petitioner
For Respondent

Mr. Neeraj Choubey, Advocate
Mr. Rajeev Shrivastava, Advocate

DB.:Hon'ble Mr. Prashant Kumar Mishra, Ag. C.J. &**Hon'ble Mr. Parth Prateem Sahu, J.****Order On Board By****Prashant Kumar Mishra, Ag. C.J.****5/4/2019**

1. Heard.
2. The petitioner is supplier of tent house materials and other materials. He participated in the tender process initiated by the

respondent to approve the rate contract for supply of tent house materials, light materials and sound system for Assembly Elections, 2018, which shall be valid for one year.

3. One of the condition in respect of qualification of the tenderer, as mentioned in clause 5 of the tender documents, is that the tenderer shall submit proof of experience of providing required services to Government Departments to the tune of Rs.25 lakhs for last 5 years.
4. According to the petitioner, he submitted documents in proof of fulfilling the said condition, however, his tender has been cancelled for the reason that he has failed to submit experience certificate/work order/bill voucher in proof of having worked with the Government Departments for last 5 years providing required service to the tune of Rs.25 lakhs.
5. Annexure P/8 are the documents filed collectively by the petitioner to prove that the petitioner satisfies the above criteria.
6. For 2018, the petitioner has supplied proof of having provided service to the tune of Rs.35,14,688/-, however, the work orders for the year 2017-2016 filed by the petitioner would not state the amount for which the service was provided to the Government Department. Similarly, another certificate by the Mechanical Department of Pt. Ravishankar Shukla University, Raipur would state that the petitioner has been providing services for last 6-7 years to the tune of Rs.4-5 lakhs. One other

certificate issued by the Municipal Corporation, Bilaspur for the year 2015 would state that the petitioner has provided services to the tune of Rs.13,68,000/-. Another certificate by the Incharge Officer of Madhya Pradesh *Hasthshilp Evam Hathkardha Vikas Nigam* Limited, did not mention the amount for which the services were provided. Similar is the case with the certificate issued by the C.G. AYUSH *Evam Swastha Vigyan Vishwavidyalaya* on 27.12.2013. The total turn over certificate issued by the petitioner's Chartered Accountant for the Financial Years 2015-16 to 2017-18, would not provide the break up of the turn over to prove that the same includes work for more than Rs.25 lakhs with the Government Departments.

7. In view of the above, on scrutiny of the papers submitted by the petitioner before the Tender Evaluation Committee, we are not inclined to take any different view of the matter. There is no clinching proof that the petitioner had provided services for more than Rs.25 lakhs to the Government Departments for last 5 years.
8. Moreover, the Assembly Elections are already over. Even if the same tender rate has been approved and the same Agency, which was chosen for the Assembly Elections, has already been engaged for the ensuing Parliamentary Elections, we would otherwise not like to interfere in the matter for the simple reason that the first phase of polling of Parliamentary Elections in the State of Chhattisgarh is scheduled to be held on 11.4.2019 and if any interference is made, it may not be possible

for the respondent to float another tender or even if the petitioner is chosen, the first phase of election would be adversely affected for want of proper facility to the officers and employees deputed for conduct of the election.

9. In view of the above, we are not inclined to interfere in the matter.

10. The writ petition is dismissed.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

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