

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1416 of 2019**

- Omprakash Gupta S/o Late Rajkumar Gupta Aged About 37 Years R/o Pani Tanki Para, Ward No. 10, Chandni Chowk, Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.

---- Petitioner**Versus**

1. The Chhattisgarh State Civil Supply Corporation Ltd. Through Its Managing Director, Hitwad Bhawan, Avanti Vihar, Raipur, District Raipur Chhattisgarh.
2. District Manager Chhattisgarh State Civil Supply Corporation Ltd. Surajpur, District Surajpur Chhattisgarh

---- Respondents

For Petitioner	:	Shri V. K. Pandey, Advocate
For Respondents	:	Shri Syed Majid Ali, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Prashant Kumar Mishra, Judge****Order on Board****Per, Prashant Kumar Mishra, Judge****07.05.2019**

1. Heard the learned counsel for the parties.
2. Feeling aggrieved by the rejection of his bid pursuant to the tender floated by the Chhattisgarh Civil Supplies Corporation Limited, the Petitioner would call in question the communication dated 13.03.2019 (Annexure P/1), by which it is informed to him that his signature in the tender paper and those available in his Pan Card and other documents being different, his tender cannot be accepted.
3. Learned counsel for the Petitioner would vehemently put forth that such a reason for rejection of his bid does not flow from any of the tender conditions, therefore, the reasons assigned for rejection being not germane to the subject tender, the document (Annexure P/1) deserves to be quashed.
4. Learned counsel appearing for the Corporation would defend the action on the plea that one of the other tenderer has raised objection to the responsivity of the Petitioner's tender by pointing out the difference in signatures. The Petitioner being not available at the time of tender opening process as was required under

Clause 11 of the tender document, there was no other option with the Corporation but to reject the Petitioner's tender.

5. Having heard learned counsel for the parties, we are not satisfied with the grounds for rejection of the Petitioner's tender for the simple reason that under Clause 4 of the tender condition prescribing the minimum eligibility criteria, it is nowhere provided that in the event of any discrepancy in the signature of the tenderer in different documents bid would be rejected. The reasons now assigned in the return or in the course of argument that Petitioner did not present himself at the time of tender opening process does not appeal to us for the reason that the validity of the action of public body is to be adjudged on the basis of reasons assigned in the order itself and it cannot be improved further in the return or in the course of argument. **{See Mohinder Singh Gill & Another Vs. The Chief Election Commissioner; 1978 SCC (1) 405}.**
6. In view of the foregoing, the rejection being not mandated under any terms of the tender, the order dated 13.03.2019 (Annexure P/1) deserves to be and is hereby quashed.
7. The respondents are directed to open the Petitioner's Technical Bid along with the bid of other eligible tenderers in accordance with the tender process.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Prashant Kumar Mishra)
Judge