

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2305 of 2019**

- Brijesh Kumar Yadav S/o Sukhu Prasad Yadav Aged About 30 Years R/o Village Shankargarh, Tahsil And Post Shankargarh, 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.
3. Omprakash Rajwade R/o Village And Post Kunjnagar, District- Surajpur, Chhattisgarh.
4. Smt. Rajkumari Yadav R/o Village Kenapara, Telaikachhar, Post Bishrampur, District- Surajpur, Chhattisgarh.
5. Rohit Agrawal R/o Surajpur, Post Surajpur, District- Surajpur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri V.K. Pandey, Advocate.
For Respondents No. 1 and 2	:	Shri Syed Majid Ali, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Order on Board****Per P. R. Ramachandra Menon, Chief Justice****24.07.2019**

1. Alleged arbitrary rejection of technical bid of the Petitioner in connection with the tender notified by the Respondents No. 1 and 2 as per Annexure P/1 is the subject matter of challenge in this writ petition.
2. The learned counsel appearing for the Petitioner submits that pursuant to Annexure P/2 tender notification, the Petitioner being a person having all the

credentials and qualifications as notified in the tender notification submitted his tender online in the manner as prescribed by the notifying authority.

3. It is stated that the Petitioner has every reason to believe that his quote to be the lowest and as such the same was supposed to be accepted. However, to the shock and surprise of the Petitioner, the technical bid came to be rejected and the contract was awarded to the 5th Respondent, which is sought to be interdicted in this writ petition.
4. When the matter came up for consideration before this Court on 10.07.2019, it was submitted by the learned counsel appearing for the Respondents No. 1 and 2 that the writ petition itself was not maintainable, as there was culpable delay on the part of the Petitioner in approaching this Court. The rejection was ordered in March, 2019; whereas the proceedings were finalized and the tender was awarded to the most successful bidder i.e. the 5th Respondent in May, 2019. It is also stated that the reason for rejection of the technical bid of the Petitioner was, for not attesting some of the documents which were to be uploaded alongwith online tender and there is absolutely no instance of any arbitrariness or *malafides*, as alleged by the Petitioner.
5. Today, when the matter is taken up for consideration, the learned counsel for the Respondents No. 1 and 2 placed the 'original file' connecting the materials before this Court for perusal. It is pointed out that when the technical bid was opened on 08.03.2019, the Petitioner was not present. The other tenderers raised objections with regard to consideration of the tender of the Petitioner, pointing out that some of the documents were not attested. The objections raised by such tenderers also form part of the file.
6. The learned counsel for the Respondents No.1 and 2 further submits that the matter was considered by the Committee constituted by the District Collector and the Committee found that two of the documents submitted by the Petitioner

were not having the self attestation, as specified; besides the difference in the name and address in connection with the Truck bearing No. CG 15 DF 9400. It was in the said circumstances, that the technical bid submitted by the Petitioner came to be rejected, which is perfectly within the four walls of the law and is not liable to be interdicted.

7. After hearing both the sides and also after perusal the 'original file' produced before this Court, we find considerable force in the submission made by the learned counsel for the Respondents No.1 and 2. We find no tenable ground for interference.
8. Writ petition fails which is dismissed accordingly. The file produced before this Court is returned to the learned counsel for the Respondents No.1 and 2.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge