

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2685 of 2019**

S. V. Poly Products Through Its Partner, Anil Mundra, Aged About 44 Years S/o Shri Chaturbhuj Mundra, R/o C- 2, 303, Krishma Apartment, Shanker Nagar, Raipur District Raipur Chhattisgarh.

---- **Petitioner****Versus**

1. C. G. Rajya Beej Evam Krishi Vikas Nigam Pvt. Ltd. Through its Chairman Office At Beej Bhavan Ravigram Telibandha, Raipur, District Raipur Chhattisgarh.
2. Managing Director Chhattisgarh Rajya Beej Evam Krishi Vikas Nigam Pvt. Ltd. Office at Beej Bhawan, Ravigarm, Telibandha Raipur, District Raipur Chhattisgarh.

---- **Respondents**

For Petitioner : Shri Yogesh Pandey, Advocate
For Respondents : Shri Animesh Tiwari, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****P. R. Ramachandra Menon, Chief Justice****14.08.2019**

1. Rejection of the technical bid submitted by the Petitioner pursuant to Annexure P/1 tender notification issued by the 2nd Respondent stating that the Petitioner did not satisfy the requirement as per Clause-4 of the Check List specifying the various requirements, is put to challenge in this writ petition.
2. The prayers are in the following terms :-

“10.1 The Hon'ble Court may kindly hold the reasons of rejection of technical bid are illegal, arbitrary and it is therefore the same is liable to be set aside. Further the Hon'ble Court may kindly direct the respondents

to allow the petitioner to participate in the financial bid and respondents open the financial bid of the petitioner, so that he may take part in Rate Contract Offer (RCO) in the interest of justice.

10.2 To issue such further writs or direction to give further order/or necessary direction as the Hon'ble Court may deem fit and appropriate in the facts and circumstances of the case.”

3. We heard the learned counsel appearing for the Petitioner as well as the learned counsel for the Respondents.
4. As per Annexure P/1 tender notification, 'Rate Contract Offer' was invited from the parties qualified as per the requirements stipulated therein. According to the Petitioner, he was having all the credentials as above and hence participated in the tender, also forwarding the relevant testimonials in support of the credentials as mentioned above. The last date for submission of bid was 29.04.2019, opening of the technical bid was scheduled to be held on 29.05.2019 and opening of financial bid was scheduled to be held on 01.06.2019. By issuing a corrigendum notification, opening of the financial bid came to be extended to 30.07.2019. In the meanwhile, the Petitioner was given to understand that he will not be permitted to proceed further, for the reasons mentioned above, which made the Petitioner to approach this Court by filing the writ petition with the prayers as aforesaid.
5. The learned counsel for the Petitioner submits that, the reason for rejection of the technical bid is not correct or proper and that the Petitioner has satisfied all the requirements of Clause-4 of Check List in full. We find it

appropriate to extract Clause-4 of the Check List, as reproduced below :

“Check List

x x x

4. Bidder may be a company registered under the Companies Act, 1956, or a Partnership Firm registered under Partnership Act, 1932 or a Proprietorship Firm or co-operative firm registered under Co-operative Act, (as the case may be). If the bidder is a proprietorship firm then the owner should submit self declaration about the firm. (Relevant documents should be uploaded.)”

6. Learned counsel for the Petitioner points out that as per said Clause, the Petitioner was required to produce the 'relevant documents' as to the partnership of the Petitioner. As per the said Clause, different entities such as individuals, partnership firms, companies and co-operative firms, were permitted to participate in the bid and so far as the Petitioner is a partnership firm, the 'relevant document' is the partnership deed, which was duly registered in accordance with law and a copy of the same was produced. Despite this, the technical bid came to be rejected, as according to the Respondents, the Petitioner ought to have produced the 'registration certificate' issued by the Registrar of Firms.

7. It is brought to the notice of this Court that the factum of registration of partnership is very much revealed from the endorsement made on Annexure P/6, where the registration number has been specifically given as '222201997191'. It was without any regard to the above aspects that the technical bid came to be rejected, which made the Petitioner to have it challenged by way of filing the writ petition.

8. Learned counsel for the Respondents submits that the above Respondents were not in position to ascertain the correct factual position as to the registration and they could not download the certificate with reference to the number given on Annexure P/6, presumably for the reason that the number is wrong. This is sought to be rebutted by the learned counsel for the Petitioner, pointing out that a copy of the registration certificate produced alongwith the writ petition as Annexure P/10, shows the very same number (222201997191) as endorsed in Annexure P/6.
9. Insofar as production of “registration certificate” of the partnership was not specifically mentioned in Annexure P/1 tender notification, but for mentioning “relevant documents” to be produced, we are of the view that copy of the partnership deed duly registered by the Petitioner also endorsing the number of registration on the said deed (a copy of which has been produced as Annexure P/6) could be treated as 'relevant document' for the purpose of the tender under consideration. In the said circumstance, we set aside the order of rejection of the technical bid of the Petitioner and direct the 2nd Respondent to consist the 'price bid' of the Petitioner along with the price bids of other eligible candidates and proceed with the tender accordingly, in accordance with law.
10. The writ petition is allowed to the above extent. No cost.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge