

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2343 of 2018

- Rajesh Kumar Agrawal S/o Shri Shyam Sundar Agrawal, Aged About 48 Years R/o H.No.18, Pipariya, Tahsil Kawardha, District Kabirdham (CG)

---- **Petitioner**

Versus

1. State of Chhattisgarh Through The Secretary, Panchayat & Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. The Director, Public Relation Directorate, Indrawati Bhawan, Raipur, District Raipur (CG)
3. Executive Engineer, Rural Engineering Services, Division Kawardha, District Kabirdham (CG)

---- **Respondents**

For Petitioner	:	Ms. Upasana Mehta, Advocate on behalf of Mr. Dharmesh Shrivastava, Advocate
For Respondents	:	Mr. S.C. Verma, Addl. Advocate General.

Hon'ble Shri Ajay Kumar Tripathi, CJ
Hon'ble Shri Parth Prateem Sahu, J

Order on Board

Per Ajay Kumar Tripathi, CJ

4/2/2019

1. Writ application was filed by the petitioner when the respondent authorities decided to cancel the tender allotted in his favour on 13.8.2018 and to go for a second call on the same day. The Notice Inviting Tender (NIT) dated 13.8.2018 was in relation to the construction of a cowshed in village Pachrahi, Block Bodla, District Kabirdham.
2. The Court earlier directed the authorities to explain the circumstances. A return came to be filed on behalf of the authorities of the State that even though the petitioner was not qualified and his technical bid was rejected, but by mistake or inadvertence his financial bid came to be opened and it was in this circumstance that the decision for second call was taken.

3. The Court was not satisfied with the simplicity of explanation so offered and especially when it was indicated in the earlier return that an Office Assistant had been issued a show-cause. The Chief Engineer was ordered to be present in person. The Court directed that such a serious omission cannot be put at the door of the Office Assistant and senior officers be given the benefit of doubt.
4. Yet another affidavit has now been filed on behalf of the Chief Engineer where action was initiated not only against the Office Assistant but even the Executive Engineer by passing an order of suspension and initiation of departmental enquiry, has also been talked about.
5. It is hoped and expected that the action so taken and initiated against erring officers will be taken to its logical end by following due procedure.
6. Since this Court vide order dated 21.8.2018 had already restrained the respondent authorities from proceeding in the tender, therefore, obviously no decision could be taken or is presumed to have been taken.
7. Keeping in mind the controversy which led to the institution of present writ application and the time which has elapsed since then, it will be in the interest of things that a fresh NIT is invited. The consequences of fresh NIT has already been talked about in terms of cost which the State may have to incur due to such controversy and litigation generated by the action of the concerned respondent.
8. Writ application stands disposed off with a direction upon the respondents that they can proceed in relation to the tender but only after issuance of a fresh NIT.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge