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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2923 of 2019**

- Sunil Johri & Associates Through Authorized Signatory 110 WallFort Ozone, 1st Floor, Fafdi Chowk, Raipur – 492002, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh (Through Principal Secretary) Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh
2. Excise Commissioner, Chhattisgarh Excise Department GST Bhawan, Sector 19, Atal Nagar, Raipur 492002, Chhattisgarh
3. Chhattisgarh State Marketing Corporation Limited (Through Managing Director) Abkari Bhawan, Near Chokra Nala, Labhandih, Raipur, Chhattisgarh
4. Sunil Keshwani & Company, (Through its Partner) 31, Ravinagar, Near Banthia Hospital Rajantalab, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Kishore Bhaduri, Advocate.
For Respondent No. 3	:	Shri Rajeev Shrivastava, 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****30.08.2019**

1. The Petitioner has moved this Court with the following prayers:

“i. This Hon'ble High Court may be pleased to call for record concerning tender numbered CSMC/Tender/2019-20/2C issued by Respondent No. 3, Corporation;

ii. This Hon'ble High Court may further be pleased to quash the corrigendum dated 19.07.2019 issued by Respondent No. 3, Corporation in reference to tender numbered CSMC/Tender/2019-20/2C;

iii This Hon'ble High Court may further be pleased to restrain Respondent No. 3, Corporation from awarding the impugned tender in favour of Respondent No. 4;

iv This Hon'ble High Court may further be pleased to direct the Respondent State / Corporation to undertake tender processes de novo in light to eligibility criteria as were prescribed prior to corrigendum dated 19.07.2019.

v. This Hon'ble Court may further be pleased to direct the Respondent State / Corporation to conduct a thorough inquiry into the impugned tender so as to determine the culpability of officials / private person;

vi This Hon'ble Court may also, be pleased to pass any other order in favour of Petitioner as it may deem fit and proper under the facts and circumstances of the case with cost."

2. When the matter came up for consideration yesterday, we noted that a similar challenge was raised earlier in WPC No. 2489 of 2019 and the matter was considered and finalized as per judgment dated 07.08.2019 based on the submission made on the part of the Respondent concerned.
3. In the said circumstances, we directed the Registry to show the name of Shri Rajeev Shrivastava, the learned lawyer who was representing the Respondent No. 3 / Corporation in the said case; pursuant to which the matter has been listed today and we have heard both the sides accordingly.
4. During the course of submission, Shri Rajeev Shrivastava, the learned counsel representing the Respondent No. 3 / Corporation submits that the subject matter projected herein was the same as involved in the earlier writ petition as well and that the tender which is subjected to challenge has already been cancelled, adding that fresh steps will be pursued in the due course, based on the directions given by this Court.

5. In view of the turn of events, the learned counsel for the Petitioner seeks for permission to withdraw the matter without prejudice to the rights and liberties to approach this Court, it and when cause of action arises.
6. Permission is granted.
7. Writ petition is accordingly dismissed as withdrawn.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge