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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 3093 of 2019**

M/s Sameer Singh And Associates, (A Partnership Firm registered Under Indian Partnership Act) Through Its Partner Amit Kumar Shukla, S/o Lt. R.K. Shukla, Aged About 32 Years, R/o Golbazar, Masjid Gali, Police Station - City Kotwali, Tehsil and District - Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Excise, Mantralay, Mahanadi Bhavan, Atal Nagar, Raipur Chhattisgarh.
2. Managing Director, Chhattisgarh State Marketing Corporation Limited (CSMCL), Excise Building, Fourth Floor, Chokra Nala, Labhandi, District - Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Rohit Sharma, Advocate
For State/Respondent No.1	:	Shri Gagan Tiwari, Dy. Govt. Advocate
For Respondent No.2	:	Shri Rajeev Shrivastava, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****Parth Prateem Sahu, Judge****15/10/2019**

1. Petitioner has challenged issuance of tender notice for appointment of Chartered Accountants Firms for assignment of internal audit of retail vending shops dated 28/08/2019 on the grounds mentioned therein and sought for following relief(s) :

“10.1 This Hon'ble Court may kindly be pleased to hold that the terms of impugned tender (Annexure P/1) issued by the respondent CSMCL is arbitrary, illegal

and malafide.

10.2 This Hon'ble Court may kindly be pleased to direct the respondent CSMCL authority to amend the tender terms in conformity with Article 14 of the Constitution of India.

10.3 This Hon'ble Court may kindly be pleased to quash/set-aside the new tender (Annexure P/1).

10.4 This Hon'ble Court may kindly be pleased to call for the records of the case.

10.5 This Hon'ble Court may kindly be pleased to direct the respondent CSMCL to produce paper and proceedings with regard to arriving at decision of incorporating clause 2.1 in the tender document.

10.6 This Hon'ble Court may kindly be pleased to grant other relief(s)/ Writ(s)/ order(s) in favour of the petitioner, which deemed fit & just in the facts & circumstances of the case.

10.7 Cost for the petition."

2. After issuance of notice, respondent No.2 submitted its reply. During the course of argument, learned counsel for respondent No.2 submits that looking to some mistakes detected after floating of tender, now, they do not want to proceed with the tender notice dated 28/08/2019 and they will cancel the tender proceeding and issue a fresh tender notice for appointment of Chartered Accountants Firms for assignment of internal audit of retail vending shops.
3. Learned counsel for the petitioner submits that this is second time when respondent No.2 is going to cancel the tender and thereby they are extending benefits to the Chartered Accountants who were engaged in previous year, which cannot be permitted because their contract was only

for one year, which ended much prior to issuance of second tender notice.

4. Learned counsel for respondent No.2 vehemently opposes and submits that since June 2019, Chartered Accountant engaged earlier has not been continued, therefore, the argument of learned counsel for the petitioner is baseless.
5. Confronting to the earlier order, which we have passed in earlier round of litigation by this Court and a time frame for completion of the tender proceeding for appointment of Chartered Accountants Firms for assignment of internal audit of retail vending shops has been fixed, learned counsel for respondent No.2 submits that fresh tender proceeding will be completed within a period of one month from today.
6. In view of the submission of learned counsel for respondent No.2, the grounds raised in writ petition does not require to be considered on merits at this stage. This Court observes that respondent No.2 shall take necessary steps for completion of tender proceeding for appointment of Chartered Accountants Firms for assignment of internal audit of retail vending shops within a period of one month as stated, positively looking to the fact that first tender has been issued in the month of January, 2019 as stated by learned counsel for the parties, but it could not be finalized till date.
7. In view of aforementioned observation, writ petition stands disposed off.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge