

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3552 of 2019**

1. M/s Green Gold Vermicompost Proprietorship Firm, With Tin No 22411702252, Having Its Registered Office At Flat No. 105, Wing - II, 1st Floor, Capital Palace, Kavita Nagar, Shankar Nagar, Raipur Chhattisgarh.
2. Vikas Jeswani S/o Shri Techand Jeswani Aged About 43 Years Authorized Signatory Of Green Gold Vermipost, R/o Flat No. 105, Wing - II, 1st Floor, Capital Palace, Kavita Nagar, Shankar Nagar, Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Agriculture Corporation And Farmer Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar Naya Raipur, District Raipur Chhattisgarh.
2. Managing Director Chhattisgarh State Seed And Agriculture Development Corporation Limited, Beej Bhawan, National Highway No. 05, Raipur Chhattisgarh.
3. Deputy General Manager (Roc) Chhattisgarh State Seed And Agriculture Development Corporation Limited, Beej Bhawan, National Highway No. 5, Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Raza Ali, Advocate.
For Respondent/State	:	Shri Siddharth Dubey, Deputy Government Advocate
For Respondents No. 2&3	:	Shri Animesh Tiwari, 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****03.10.2019**

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

“A. This Hon'ble Court may be pleased to call for the relevant records of this case from the respondent authorities concerned and conscionable justice may be rendered.

B. This Hon'ble Court may be pleased to quash the letter/order dated 27/8/2019 (Annexure P-1) being illegal, arbitrary and not sustainable in law.

C. This Hon'ble Court may be pleased to direct the respondent State authorities particularly the Respondent No. 2 & 3 to open the rate contract offer of the petitioner together with all documents and annexure for the financial / price bid;

D. Any other relief which this Hon'ble Court may deem fit in the facts & circumstance of case.

E. Cost of the petition may also be awarded.

2. Heard Shri Raza Ali, the learned counsel for the Petitioners, Shri Siddharth Dubey, Deputy Government Advocate for the State, and Shri Animesh Tiwari, the learned Standing Counsel for the Respondent-Chhattisgarh State Seed & Agriculture Development Corporation.
3. The gist of the grievance projected by the Petitioner is that pursuant to Annexure P/5 tender notification, the Petitioner being qualified in all respect participated in the process and submitted all the relevant testimonials to prove his credentials. However, the technical bid of the Petitioner came to be rejected as per Annexure P/7 dated 04.07.2019 stating that the Petitioner had failed to produce copy of the District Trade and Industries Center certificate alongwith tender. On receipt of the said communication, the Petitioner sent Annexure P/10 communication/reply dated 15.07.2019 asserting that he had produced the said certificate and a copy of the same is marked as Annexure P/8. The 3rd Respondent issued Annexure P/1 intimation on 21.08.2019 to the effect that they are not in a position to put the clock back to zero, as the proceedings have been advanced.
4. The learned counsel for the Petitioner submits that as per the information passed on to the Petitioner, unless an order of a Court of Law is produced permitting the Petitioner to participate, his tender cannot be considered, and hence the writ petition.

5. Shri Tiwari, the learned Standing Counsel submits that on verification it has been found that the Petitioner had produced a copy of Annexure P/8 certificate alongwith the tender but the same was enclosed and attached as part of the documents under different head and not in respect the slot connected with the DTIC. The learned counsel submits that the proceedings are being pursued and the matter can be finalized accordingly.
6. Since it is now conceded that the Petitioner had attached the DTIC certificate alongwith the tender, though attached as part of the documents under a different head, we are of the view that the tender submitted by the Petitioner could be caused to be considered; particularly in view of the nature of the transaction involved i.e. Rate Contract Offer, as more than one person could be identified in connection with the assignment.
7. In the said circumstances, we dispose of the writ petition directing the 2nd Respondent to treat the technical bid submitted by the Petitioner as a valid one and to proceed with further steps to cause the 'price bid' to be considered and to have the proceedings finalised accordingly, as expeditiously as possible.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge