

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.4276 of 2019**

Modi Agro Products Through Its Partner, Sanjay Kumar Jain, Office/factory
At Plot No. 103, Sector-B, Industrial Area, Govindpur, Bhopal, District
Bhopal, Madhya Pradesh.

---- 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 C.G. Rajya Beej Evam Krishi Vikas Nigam Pvt. Ltd.
Office At Beej Bhavan, Ravigram, Telibandha, Raipur, District Raipur,
Chhattisgarh.
3. M-Junction (India) Pvt. Ltd. 2nd Floor, Anjani Tower, Near Hotel Lalbagh
Inn, Telibandha, Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner : Shri Yogesh Pandey, Advocate

For Respondent No.1 : 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

26.11.2019

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

“10.1 The Hon'ble Court may kindly direct the respondents to reconsider the case of the petitioner in the light of the fact that petitioner firm was thereafter registered under Partnership Act. 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.”

2. The learned counsel for the Petitioner submits that pursuant to the Annexure P/1 'Notice Inviting Tender', the Petitioner participated and the bids were submitted separately, i.e. 'technical bid' and 'price bid' as insisted in the notification. But the Tender Evaluation Committee cancelled the technical bid and rejected the same as per Annexure P/8 for the reason that the firm of the Petitioner was not registered on the relevant date and hence, it could not be considered. The learned counsel submits that on taking necessary steps, registration has been obtained and the Petitioner produced the requisite materials/proof before the authorities, but they did not pay any heed to the same, and hence the writ petition.
3. The learned counsel representing the 1st Respondent submits that the last date for submitting the tender was on 27.05.2019. It was accordingly that the credentials were evaluated by the Tender Evaluation Committee on 04.06.2019. It was found that the Petitioner was not having the registration as insisted in the notification and hence, the technical bid was rejected, which is within the four corners of the law.
4. Since the factual position is admitted, insofar the registration was obtained by the Petitioner only on 04.06.2019 and was not having any registration on the last date of submission of bid i.e. on 27.05.2019, the tender evaluation effected by the Tender Evaluation Committee held on 04.06.2019 assessing the qualification of the bidders concerned as on the

relevant date, is quite proper and does not suffer from any irregularity; much less any illegality.

5. In the said circumstance, we do not find any reason to interference with the proceedings, which are subject to challenge in the writ petition. The writ petition fails and it is dismissed accordingly.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

Yogesh