

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4326 of 2019**

- Raipur Construction Private Limited A Company Duly Constituted Under The Provisions Of The Companies Act, 1956, Having Its Registered Office At Babla Complex, Ge Road, Raipur, District Raipur, Chhattisgarh, Through Its Authorized Signatory.

---- Petitioner**Versus**

1. Chhattisgarh East Railways Limited Through Its Chairman, 2nd Floor Cside Commercial Complex, Mahadev Ghat Road, Raipura Chow, District Raipur, Chhattisgarh.
2. Ircon International Limited A Government of India Undertaking, C-4, District Centre, Saket, New Delhi - 110017. Regional Office at 2nd Floor, Ramaport, Vyapar Vihar Road, Bilaspur, District Bilaspur, Chhattisgarh.
3. Chief General Manager Chhattisgarh East Railways Limited, 2nd Floor, Ramaport, Vyapar Vihar Road, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Amrito Das, Advocate.
For Respondents No. 1 & 3:	:	Shri Anumesh Shrivastava, Advocate.
For Respondent No. 2	:	Shri Abhishek Sinha, 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****03.12.2019**

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

“(a) Call for the entire record concerning the dispute from the respondents;

(b) Allow the present writ petition with cost;

(c) Issue an appropriate writ, order or direction, quashing/setting aside the impugned order dated

19.11.2019 (Annexure P/1) by holding and declaring the same to be illegal and bad in law;

(d) Issue an appropriate writ, order or direction and direct the respondents to evaluate the petitioner's technical and financial bid;

(e) Any other writ, direction, order may kindly be passed in the interest of justice.”

2. When the matter came up for consideration before this Court on 28.11.2019, the nature of the grievance projected herein was dealt with, particularly, in the light of the submissions that the rejection of the technical bid of the Petitioner was not correct, particularly with regard to the satisfaction of the 'tender fee' in the prescribed form and in terms of Clause 4.5 of the 'e-procurement notice'. In the said circumstances, we directed to get instructions as to the factual position.
3. Today, Shri Abhishek Sinha, the learned counsel appearing for the Respondent No. 2 submits with reference to the contents of the affidavit filed before this Court, that the credentials of all the parties, who participated in the tender, were considered and nobody was found qualified. In the said circumstance, the further proceedings, pursuant to the tender, stand cancelled. It is also stated that, a fresh tender will be notified and it is open for the Petitioner to participate, subject to satisfying the qualification and requirements as to be notified therein.
4. In the above circumstance, nothing remains to be dealt with in the writ petition and it stands closed accordingly.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge