

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1127 of 2020

- Ashish Kumar Rathi S/o Shri Suresh Kumar Rathi Aged About 29 Years Kurmi Para Ward No. 31, Bemetara, Tah. Bemetara, District Bemetara, Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh State Civil Supplies Corporation Limited Through Managing Director, Hitvada Bhawan, Avanti Vihar, District Raipur, Chhattisgarh
2. Chhattisgarh State Civil Supplies Corporation Limited Through District Manager, District Kabirdham, Chhattisgarh

-----Respondents

For Petitioner : Shri Praveen Das, Advocate
For Respondents : Shri Majid Ali, Advocate

**Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**

Per PR Ramachandra Menon,CJ

01.06.2020

1. Cancellation of the tender floated by the respondents for transportation of food grains, despite the fact that the petitioner had turned to be L1 and the rate was further negotiated and reduced in terms of Clause 12 of the Tender notification/conditions, is the subject grievance projected in this Writ Petition.
2. Heard Shri Praveen Das, learned counsel for the petitioner as well as Shri Majid Ali, learned counsel for the respondents/State Civil Supplies Corporation Limited.
3. The learned counsel for the petitioner points out that, after cancellation of the tender as per Annexure P1 proceedings dated

08.05.2020, some developments have taken place. It is brought to the notice of this Court that a re-tender notification was issued by the respondents; pursuant to which, bids were submitted by the aspirants. Though the petitioner did not participate in the second tender, as he had already filed a representation followed by the present Writ Petition, it is pointed out that the father of the petitioner had participated in the 2nd Tender, where he turned to be L1. The rates have been negotiated further and the lowest possible rate has been quoted by him, based on which, the proceedings are to be finalised by the respondents so as to enable the father of the petitioner to win the contract. Insofar as the respondents are ready to act accordingly, the learned counsel submits that there is no further grievance for the petitioner and the matter could be closed accordingly.

4. Shri Majid Ali, the learned counsel appearing for the respondents/Corporation submits, on the basis of instructions received, that the rate quoted by the petitioner for transportation was Rs.347.60ps per ton, which was not feasible to be accepted and by virtue of the power conferred upon the respondents/Corporation, the tender was cancelled and decided to go for a 're-tender' so as to reduce the expenses and save the public exchequer. It was accordingly, that re-tender notification was issued, where the father of the petitioner participated and turned to be L1 with the lowest rate quoted as Rs.297.50ps per ton. The learned counsel submits that the procedural formalities would be completed without delay and thereafter, work order would be issued in favour of L1.

5. In the above circumstance, we record the submission made by the learned counsel for the petitioner that the grievance projected in the present Writ Petition with regard to the earlier tender dated 30.01.2020 and the challenge against Annexure P1 stand withdrawn. The respondents are directed to proceed with further steps to complete the procedural formalities in respect of the re-tender and to have the work order issued to the eligible person as expeditiously as possible.

6. The Writ Petition stands disposed off.

Sd/-
(PR Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge