

HIGH COURT of CHHATTISGARH, BILASPUR**WPC No. 1394 of 2020**

1. Maa Danteshwari Suppliers Geedam Road (Near Dau Mill), Jagdalpur, District Bastar, Chhattisgarh, Through Dev Kumar Jha, S/o Late A.K. Jha, Aged About 42 Years, Partner, Maa Danteshwari Suppliers, R/o Geedam Road (Near Dau Mill), Jagdalpur, District Bastar, Chhattisgarh
2. Mahesh Singh Thakur S/o Shri Lt Balkrishna Singh Aged About 40 Years Partner, Maa Danteshwari Suppliers, R/o Geedam Road (Near Dau Mill). Jagdalpur, District Bastar, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

-----Petitioners**VERSUS**

1. State of Chhattisgarh Through the Secretary, Department of Health and Medical Education, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office and Police Station Naya Raipur, District Raipur, Chhattisgarh
2. Director Directorate of Medical Education, Old Nurses Hostel, DKS Bhawan Premises, Raipur, District Raipur, Chhattisgarh
3. Joint Director-Cum-Superintendent Government Medical College, Dimrapal, Jagdalpur, Chhattisgarh
4. M/s Hotel Golden Oak Through Its Proprietor Padam Kumar Nagwani, S/o Koturam Nagwani, Aged About 49 Years, MG Road Gurunank Chowk, Raipur, C.G. 492001

-----Respondents

For Petitioner	:	Mr. Rakesh Kumar Jha, Advocate.
For Respondent-State	:	Mr. Sudeep Agrawal, Dy. Advocate General

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge
Judgment on Board

Per P.R. Ramachandra Menon, CJ.**17/09/2020**

1. The petitioners have moved this Court with the following prayers.

“10. i That, this Hon'ble Court may kindly be pleaded to quash the order dated 3/6/2020 (Annexure-P/1), passed in respect of the respondent No.4, bearing No. 4892/DME/Kray/2020 passed by the respondent No.2, as the said order has been passed on the of basis of alleged NIT No. 57619 which has never been published in the local newspapers and that too the same has been floated during operation of model code of conduct in the State of Chhattisgarh.

ii. That, this Hon'ble Court may kindly be pleased to quash the order dated 8/6/2020 (Annexure-P/2) bearing No. Sati./San.San./20/10481 passed by the respondent No. 3.

iii. That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to allow the petitioners

to supply the meals in the Hospital without any interruption.

iv. Cost of the petition may also be granted to the petitioners.

v. Any other relief, which this Hon'ble Court deems fit and proper, may also kindly be granted to the petitioners, in the interest of justice.”

2. The main grievance projected in this case is with regard to the tender floated by the Respondents authorities and the ground of challenge is that there was no paper publication at all. This was sought to be controverted from the part of Respondent-State, pointing out that there was proper publication of the NIT calling bids from the interested parties in the local newspaper. The said submission was taken note of in the proceedings dated 03-07-2020 of this Court.
3. The matter was adjourned thereafter for filing statement from the part of respondents. Later, the petitioner also sought for time to file rejoinder with reference to the contents of the reply (producing copy of the newspaper clippings as per annexure R-1 and the advertisement regarding pre-bid meeting by annexure R-2).
4. Now the petitioners themselves have filed an I.A. No.04/2020 dated 04-09-2020 before this Court stating that during the pendency of above proceedings, the respondents-authorities have cancelled the NIT and in the said circumstances, the petitioners want to withdraw the instant writ petition.
5. Learned counsel for the petitioners submits that he is having no instructions in the matter. However, in view of turn of events put-forth by the petitioners themselves by filing above-said I.A. before this Court to the effect that they are not interested to pursue the matter further, we do not find it necessary to retain the matter anymore.
6. In view of the above, the writ petition is dismissed as withdrawn.

Sd/-
(P.R. Ramachandra Menon)
 Chief Justice

Sd/-
(Parth Prateem Sahu)
 Judge