

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1513 of 2017**

Raigarh City Bus Service Through Director Abhishek Singh S/o Raj Kishor Singh, Aged About 32 Years, R/o Kabir Chowk, Jut Mill Road Raigarh, District Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Transport, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Collector, Raigarh, District Raigarh, Chhattisgarh
3. Raigarh Urban Public Transport Society, Through Secretary Cum Commissioner, Collectorate Campus Room No. 46, Raigarh, District Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vinod Kumar Sharma, Advocate
For State/Respondents 1 & 2	:	Mr. Anshuman Shrivastava, P.L.
For Respondent no.3	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14.01.2020**

1. The challenge in the present writ petition is to the order dated 28.03.2017 Annexure P-1 whereby the respondents have cancelled the letter of award dated 07.07.2015 issued to the petitioner and have also ordered for forfeiture of the security deposited by the petitioner.
2. The facts of the case are that a Request For Proposal (RFP) put forth

by the respondent no.3 for plying of the city buses in the city of Raigarh had called in for bids. The petitioner participated and finally he was issued with a letter of award in his favour vide order dated 07.07.2015 directing him to immediately execute the agreement and to proceed further with the contract. However, it appears that the petitioner was not satisfied with the route provided by the respondents and therefore he approached the authorities for change of route.

3. In spite of repeated correspondences made by the respondent no.3, the petitioner failed to execute the agreement entered into between the parties and the petitioner did not start the work which was awarded to him. Subsequently, a show cause notice was issued to the petitioner on 08.03.2017 to which the petitioner gave a reply on 15.03.2017 and finally not satisfied with the reply so submitted by the petitioner, the respondent no.3 has passed the impugned order Annexure P-1.
4. A perusal of the record would show that the terms and conditions of the Request For Proposal (RFP) clearly provides the conditions and the consequences thereof. Clause 22 of the said RFP clearly envisages forfeiture of the securities. One of the conditions for forfeiture is the failure on the part of the bus operator in executing the agreement for furnishing required performance guarantee within the stipulated time in accordance with the agreement. From the record it is evidently clear that the respondent no.3 had issued various correspondences to the petitioner for execution of the agreement which the petitioner for reasons best known had been avoiding which ultimately led to the issuance of the impugned order Annexure P-1 dated 28.03.2017.
5. Taking into consideration the reply to the show cause notice submitted

by the petitioner on 15.03.2017 and also taking note of the terms of the RFP, this Court clearly is of the view that the order passed by the respondent no.3 is in accordance with the RFP and the Clauses envisaged therein. There does not seem to be any procedural lapse or any irregularity committed by the respondents in the issuance of Annexure P-1.

6. Given the aforesaid facts, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order. The writ petition accordingly stands rejected.

**Sd/-
P. Sam Koshy
Judge**