

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPIL No. 108 of 2020**

- Dilip Kumar Nirmlakar, S/o Gokul Prasad Nirmalkar, aged about 30 Years, R/o Village Rani Gaon, Ratanpur, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Mineral Resources Department, Mahanadi Bhawan, Mantralay, Naya Raipur, Chhattisgarh.
2. Collector (Mining Department), Office of Collector, District Surajpur, Chhattisgarh.

---- Respondents

For Petitioner
For State

Shri Anumeh Shrivastava, Advocate.
Shri S.C. Verma, Advocate General along with
Shri Vikram Sharma, Government Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Hon'ble shri Justice Gautam Chourdiya****Order on Board by Justice Prashant Kumar Mishra****04/11/2020**

1. This PIL has been preferred for setting aside the tender notice dated 17.09.2020 and for a direction to the respondent department to conduct the reverse auction floated vide tender notice dated 17.09.2020 through online process and further to postpone the reverse auction to some other date preferably after the Corona Pandemic is over.
2. In course of hearing, when we specifically put a query as to whether the reverse auction process by physical mode is violative of any statutory provision, learned counsel would fairly admit that

there is no such statutory prohibition for conduct of physical reverse auction tender process for sand mining. The only ground on which the PIL is based is that during this COVID-19 Pandemic situation, it is difficult for the intending bidders to participate in the physical process, therefore, this Court should direct holding of the tender process through E-mode.

3. Having heard learned counsel for the petitioner, we are of the view that it is not in our domain under PIL jurisdiction to direct the State to adopt a particular mode of tender process merely because the petitioner wants the same process to be adopted. There is no material before us showing that the auction process adopted by the Collector (Mining Branch), District Surajpur, C.G. vide Annexure- P-1 would result in any loss to the exchequer. Similarly, the petitioner does not contend that the process so adopted by the concerned Collector would eventually discourage participants to apply through physical tender process mode. There is no such complaint received by the State authorities wherein intending bidders have been stopped. In such a situation, it is difficult to conceive that there is any injustice or prejudice to the intending bidders from participating in the physical tender process.
4. There is no substance in the PIL which deserves to be and is hereby dismissed.
5. The security amount deposited by the petitioner be refunded.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge