

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**WPC No. 4354 of 2019**

Chhattisgarh Transport & Labour Co-Operative Society Through-Secretary, Nustrat Jahan, D/o Late Altaf Hussain, Samta Colony, Taj Masjid Road, Talapara, Bilaspur, Chhattisgarh. Registration No. 237 Dated 01-12-2016.

---- **Petitioner**

**Versus**

1. State of Chhattisgarh Through- The Secretary, Food & Civil Supplies, Mantralaya, Mahanadi Bhawan, Atal Naga Raipur, District Raipur, Chhattisgarh.
2. Chhattisgarh State Co-Operative Society Head Office- 6th Floor, Tower C, Sector 21, C.B.D. Commercial Complex, Nava Raipur, Atal Nagar, Raipur, Chhattisgarh.
3. Managing Director Chhattisgarh State Co-Operative Society Raipur, District Raipur, Chhattisgarh.
4. District Manager Chhattisgarh State Co-Operative Society, District Bilaspur, Chhattisgarh.
5. Collector Bilaspur, District Bilaspur, Chhattisgarh.

-----**Respondents**

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| For Petitioner                 | : Shri Sumit Singh Rathore, Advocate. |
| For Respondent No.1 & 5/ State | : Shri Sudeep Agrawal, Deputy AG.     |
| For Respondent No.2 to 4       | : Shri Ashish Surana, Advocate.       |

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

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**Per PR Ramachandra Menon, CJ**  
**19.10.2020**

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

“10.1. That, the Hon'ble Court kindly be pleased to direct the respondent No.3 to consider the petitioner to open the tender and allot the even if the petitioner is a single tenderer for Hamaali work and also for the transportation work as per tender document dated 12.10.2019 and 13.09.2019, admittedly second tender for transportation and hamaali.

10.2. Any other relief, which this Hon'ble Court may deem fit and proper, may also be pleaded in favour of the petitioner.”

2. Shri Sumit Singh Rathore, the learned counsel for the petitioner submits that respondent No.3 has issued a tender proceeding for the work of 'Hamaali' through e-tender on 05.08.2019, in which, the petitioner has participated, but as the petitioner is the only bidder the entire proceeding has been canceled on the ground that it is the case of single tender. After cancellation of said tender, respondent No.3 has issued second tender for the same work, which was again canceled on the same ground ie single tender. He submits that thereafter, afresh tender was floated for the same work. Likewise tender for transportation of paddy was also floated. He submits that non participation of any other bidder in a tender proceeding alone cannot be a ground to cancel the entire tender proceeding time and again.
  
3. Shri Ashish Surana, the learned counsel for respondent Nos.2 to 4 submits that writ petition itself has become infructuous as the tender under challenge in the writ petition is with respect to the work of "Hamaali" and transportation to be performed at Paddy Procurement Centre for Kharif Year 2019-20. During the pendency of writ petition, petitioner was awarded the work of 'Hamaali' in Paddy Procurement Centre, Pandra Road, Bilaspur for the kharif Year 2019-202 at the rate approved by respondent No.2 vide letter dated 17.12.2019 (Annexure R/2-1). Cancellation of the tender proceeding was on the ground of a 'single tender' and a fresh tender was floated so that the respondents may get more competitive rates. The cancellation of tender proceeding cannot be

said to be tainted with any mala fide. He also submits that similarly the work of transportation of paddy, as per approved rate of respondent No.1, was awarded to the petitioner being the registered transporter vide Annexure R/2-7.

4. At this stage, Shri Sumit Singh Rathore, the learned counsel for the petitioner submits that he has moved an application for staying the tender process of the year 2020-21. He further submits that fresh tender has again been floated for the year 2020-21 for the same work without considering and deciding the earlier tender proceeding pending consideration before this Court.
5. We have heard the learned counsel for the respective parties and perused the records.
6. Respondent No.2 to 4 vide Annexure P/3 to Annexure P/5 has floated the tender notification for work of 'Hamaali' for kharif season 2019-20. Annexure P-5 is the tender notification for transportation of the paddy/food grains for Kharif year 2019-20.
7. From bare perusal of tender notification (Ex.P/3 to Ex.P/5), it is crystal clear that the tender notification is for Kharif year 2019-20 only. It is also not in dispute that during the pendency of this writ petition, the petitioner has been awarded the work of loading and transportation for the Kharif year 2019-20. It is apparent from Para No.9.5 of writ petition that the tender was for a period of one year ie starting from September, 2019 to February, 2020.
8. In view of the aforementioned submissions made by the learned counsel for the respondent and considering the tender notification ie (Annexure P/3

to P/5) as well as specific pleading mentioned in Para No.9.5 of writ petition, we are of the view that by the efflux of time, writ petition seeking relief with regard to the tender notification for the year 2019-20 has become infructuous.

9. So far as the submission made by the learned counsel for the petitioner that he has moved an application for staying the tender notification for the Kharif year 2020-21 for the work of 'Hamaali' is concerned, the same cannot be considered in this writ petition, more so when no ground has been raised challenging tender notification (Annexure P-8).
10. In view of above, writ petition stands dismissed as infructuous, however, the petitioner will be at liberty to file appropriate proceeding before the appropriate forum if for any reason he feels aggrieved with the tender notification for work of 'Hamaali' floated by respondent No.2 to 4 for the Kharif year 2020-21.

**Sd/-**

**(P. R. Ramachandra Menon )**  
Chief Justice

**Sd/-**

**(Parth Prateem Sahu)**  
Judge