

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 4634 of 2019**

- Suresh Kumar Jain S/o Shri Rawel Mal Jain, Aged About 47 Years R/o Ward No. 12, Post Doundi, District Balod Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Public Work Department Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. C.M.O., Nagar Panchayat Doundi, District Balod Chhattisgarh,

---- Respondents

For Petitioner	: Shri Bharat Kumar, Advocate.
For Respondent/State	: Shri Siddharth Dubey, Deputy Government Advocate.
For Respondent No.2	: Shri Prabhat Kumar Saxena, Advocate.

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

Per P. R. Ramachandra Menon, Chief Justice**02.03.2020**

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

“ 10.1 That, the Hon'ble Court may kindly be pleased to issue order/writ/direction to quash the Second notice inviting Tender (NIT) dated 23.11.2019 issued by Chief Municipal Officer (C.M.O.) Nagar Panchayat Doundi, District Balod C.G. (Annexure P/4)

10.2 That, the Hon'ble Court may kindly be pleased to issue order/writ/direction to direct the respondent no.2 to conclude the bidding process in accordance with the Notice Inviting Tender (NIT) dated 14.10.2019 (Annexure P/2)

10.3 Any other relief, which this Hon'ble court may deem fit and proper according to the facts and circumstances of the case along with the cost of the petitioners”

2. Heard the learned counsel appearing for the Petitioner, the learned counsel representing the State as well as the learned counsel for the Respondent No.2.
3. The grievance mainly is with regard to the Tender Notification dated 23.11.2019 issued by the Chief Municipal Officer, Nahar Panchayat Doundi, District Balod C.G. as per Annexure P/4. It is the case of the Petitioner that, the earlier Tender in respect of the very same work as per notification dated 14.10.2019 still stands and the tender has not been cancelled, without which, it is not correct or proper for the Respondents to proceed with the second one, which is cited as an instance of colourable exercise of power.
4. The 2nd Respondent has filed return pointing out the sequence of events and the facts and figures. Considering the stand taken by the 2nd Respondent, we do not find it necessary to go through the various aspects pointed out therein, except for making a reference to paragraph-11, which is reproduced before for convenience or reference:

“ 11. That it is respectfully submission is that the tender No. 2260 dated 14.10.2019 was rejected by mistake and out of five tenderers Shri Narendra Deshlahre, Shri Suresh Jain and Anand Jain's all documents were found to be correct which were reached our office before 3:00 O'clock on 14.11.2019 these three tenderers are found eligible the rest two tenderers namely Shankar Construction and Shivhare Constructions's documents were found to be incomplete. So the Hon'ble court may kindly be pleased to consider the tender No. 2260 dated 14.10.2019 can be opened and processed accordingly and the NIT No.2228 dated 23.11.2019 may be quashed.”
5. In view of the assertion made by the 2nd Respondent that, they have already identified three persons from the five tenderers, who submitted the bids in response to the NIT dated 14.10.2019; which includes the

Petitioner as well and further that, they do not intend to proceed with the subsequent tender, notified on 23.11.2019, the writ petition stands disposed off, as nothing else is required to be considered or adjudicated by this Court, but for recording the submission made from the part of 2nd Respondent, as mentioned above.

6. The writ petition stands disposed off accordingly.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge