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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1452 of 2021**

K. Mohan Reddy, 'A' Class Contractor, Proprietor K. Mohan Reddy, S/o Late K. Yella Reddy, Aged About 61 Years, R/o H.No. 6-4-324, Plot No.35, HIG, Phase-IV, Vanasthalipuram, Hyderabad 500070 (Telangana).

---- **Petitioner****Versus**

1. Union of India, through the Secretary, Ministry of Road Transport & Highways, Bhawan 1, Sansad Marg, New Delhi, Delhi 110001.
2. State of Chhattisgarh, Through the Secretary, Department of Public Works, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office & Police Station Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh.
3. Engineer-in-Chief, Department of Public Works, Nirman Bhawan, Sector-19, Naya Raipur, Atal Nagar, Post Office & Police Station Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh.
4. Chief Engineer, Public Works Department, National Highways Range, Raipur Chhattisgarh.
5. Chief Engineer, Zone-4, Government of India, Ministry of Road Transport & Highways, Bhawan 1, Sansad Marg, New Delhi, Delhi 110001.
6. Chief Engineer, Department of Public Works, Bastar Range, Bastar, Jagdalpur, Chhattisgarh.
7. Shailendra Bahadur Singh Infra Private Limited, Class 'A' Contractor, through its Director, Shailendra Bahadur Singh, S/o Late Awadh Bihari Singh, Aged About 47 Years, Unique ID No. CGeR 11153, R/o B-101, Lane-4, Swarnbhoomi Apartment Vidhan Sabha Road, Saddu, Raipur Chhattisgarh.
8. Vinod Singh Rathore, S/o Late Awadh Bihari Singh, Aged About 54 Years, Main Road, Sukma, Near CSEB Office, Sukma, District Sukma, Chhattisgarh.

---- **Respondents****WPC No. 1453 of 2021**

K. Mohan Reddy, 'A' Class Contractor, Proprietor K. Mohan Reddy, S/o Late K. Yella Reddy, Aged About 61 Years, R/o H.No. 6-4-324, Plot No.35, HIG, Phase-IV, Vanasthalipuram, Hyderabad 500070 (Telangana).

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4. Chief Engineer, Public Works Department, National Highways Range, Raipur, Chhattisgarh.
5. Chief Engineer, Zone-4, Government of India, Ministry of Road Transport & Highways, Bhawan 1, Sansad Marg, New Delhi, Delhi 110001.

6. Chief Engineer, Department of Public Works, Bastar Range, Bastar, Jagdalpur, Chhattisgarh.
7. Shailendra Bahadur Singh Infra Private Limited, Class 'A' Contractor, through its Director, Shailendra Bahadur Singh, S/o Late Awadh Bihari Singh, Aged About 47 Years, Unique ID No. CGeR 11153, R/o B-101, Lane-4, Swarnbhoomi Apartment Vidhan Sabha Road, Saddu, Raipur, Chhattisgarh.
8. Vinod Singh Rathore, S/o Late Awadh Bihari Singh, Aged About 54 Years, Main Road, Sukma, Near CSEB Office, Sukma, District Sukma, Chhattisgarh.

---- Respondents

WPC No. 1454 of 2021

K. Mohan Reddy, 'A' Class Contractor, Proprietor K. Mohan Reddy, S/o Late K. Yella Reddy, Aged About 61 Years, R/o H.No. 6-4-324, Plot No.35, HIG, Phase-IV, Vanasthalipuram, Hyderabad 500070 (Telangana).

---- Petitioner

Versus

1. Union of India, through the Secretary, Ministry of Road Transport & Highways, Bhawan 1, Sansad Marg, New Delhi, Delhi 110001.
2. State of Chhattisgarh, Through the Secretary, Department of Public Works, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office & Police Station Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh.
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8. Vinod Singh Rathore, S/o Late Awadh Bihari Singh, Aged About 54 Years, Main Road, Sukma, Near CSEB Office, Sukma, District Sukma, Chhattisgarh.

---- Respondent

WPC No. 1455 of 2021

K. Mohan Reddy, 'A' Class Contractor, Proprietor K. Mohan Reddy, S/o Late K. Yella Reddy, Aged About 61 Years, R/o H.No. 6-4-324, Plot No.35, HIG, Phase-IV, Vanasthalipuram, Hyderabad 500070 (Telangana).

---- Petitioner

Versus

1. Union of India, through the Secretary, Ministry of Road Transport & Highways, Bhawan 1, Sansad Marg, New Delhi, Delhi 110001.
2. State of Chhattisgarh, Through the Secretary, Department of Public

- Works, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office & Police Station Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh.
3. Engineer-in-Chief, Department of Public Works, Nirman Bhawan, Sector-19, Naya Raipur, Atal Nagar, Post Office & Police Station Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh.
 4. Chief Engineer. Public Works Department, National Highways Range, Raipur. Chhattisgarh.
 5. Chief Engineer, Zone-4, Government of India, Ministry of Road Transport & Highways, Bhawan 1, Sansad Marg, New Delhi, Delhi 110001.
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 8. Vinod Singh Rathore, S/o Late Awadh Bihari Singh, Aged About 54 Years, Main Road, Sukma, Near CSEB Office, Sukma, District Sukma, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Vivek Kumar Shrivastava, Advocate.
For Respondent/State	: Shri Vikram Sharma, Deputy Government Advocate.
For Respondent No.7	: Shri Harshwardhan Parganiha, 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.

17.03.2021

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

“i. That, this Hon'ble Court may kindly be pleased to quash the impugned order dated 17.02.2021 (Annexure–P/1) bearing No.43004109/Sa.20 passed by the respondent No.6.

ii. That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to open the financial bid of the petitioner and if the petitioner is found 'L1' the work order may be issued in his favour.

iii. Cost of the petition may also be granted to the petitioner.

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

2. When the matter came up for consideration before this Court on 10.03.2021, the following order was passed :

“Shri Rajeev Shrivastava and Shri Vivek Kumar Shrivastava, Advocates for the Petitioner.

Shri Vikram Sharma, Deputy Government Advocate for the State.

The learned counsel for the Petitioner in all these petitions submits that the Petitioner has been wrongly disqualified by the Respondents Authorities with regard to right to participate in the tender where the 7th Respondent has been placed at 'L-1' and the 8th Respondent has been placed at 'L-2'. The reason for disqualification of the Petitioner as given to understand is that the Petitioner has not mentioned the date in the tools certificate produced as part of the tender. A reference is made to Annexure P/5 where the date is specifically shown by the Authorities to the signature as given at the bottom. The said certificate hence is stated as dated 14.02.2020 and as such, the disqualification ordered contrary to the fact, requires interference of this Court.

Shri Vikram Sharma, the learned counsel representing the State seeks for time to verify the position and to make appropriate submissions and if necessary, to file a statement.

Post the matter for further consideration on 16.03.2021.

'Status Quo' shall be maintained till the next date of hearing.”

Time was sought for from the part of the Respondents to ascertain the position and to file a return on 16.03.2021, pursuant to which, return has been filed from the part of the Respondent-State pointing out the actual facts and figures.

3. The specific case of the Petitioner is that, the Petitioner is qualified in all respects and had participated in the bid producing all the relevant testimonials, but the bid of the Petitioner came to be wrongly rejected for the reason that the 'tools and plants certificate' was not bearing the date. With specific reference to the date contained/shown on the certificate

produced before this Court, the learned counsel asserted that the date was clearly mentioned under the signature of the authorities concerned, at the bottom of the certificate.

4. Pursuant to verification of the facts, the Respondent-State has conceded in paragraph-4 of the return that, it was only by virtue of an inadvertent error, that the date given below the signature was omitted to be noted when the bid of the Petitioner was rejected. In view of the correct factual position brought on record, it has been decided by the State that the Petitioner's candidature could be considered in the light of the 'tools and plants certificate' produced by him along with the bids of other qualified bidders. Paragraphs- 4 & 5 of the return are relevant and hence are extracted below for easy reference.

“4. It is respectfully submitted that, the rejection of the tender was done in a bonafide manner, as per the documents available on records, but when again the documents were relooked and taken print out, it became clear that, the date is mentioned in the certificate. This mistake in respectful submission is inadvertent. The copy of certificate containing date is being annexed as **Annexure R-2.**

5. In light of above, it is most humbly and respectfully submitted that, the answering respondent, have rejected the tender not with will full intention but with bonafide intention on the basis of document available on record, as per terms and conditions of the tender. Now, since it is reconfirmed from the uploaded documents that the tools and plant machinery certificate contains the date, it is respectfully submitted that, the candidature of the petitioner can be considered as per the terms and condition of the tender.”

5. In the above circumstances, we are of the view that nothing further remains to be adjudicated in these writ petitions. All these Writ Petitions are disposed of, in the light of the submission and undertaking given from

the part of the State, as above. It is open for the qualified bidders to point out other incriminating circumstances, if any, with regard to the eligibility of any such bidder; upon which it shall be considered and finalized by the Competent Authority in accordance with law/the terms and conditions of the tender.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge