

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2547 of 2021

- ABP Travels And Facility Management Pvt Ltd Through Its Manager Mandeep Singh Randhawa, S/o Shri Charan Singh Aged About 39 Years Office 1320 Sector 31-32A, Near Bar Malt Factory Gurgaon, 122001 (Haryana) Local Office Flat No. 21, Tower-A, 2nd Floor Ashoka Millennium New Rajendra Nagar Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Director Directorate Of Health Service, Indravati Bhawan, 3rd Floor, Atal Nagar Nawa Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioner : Shri Vinay Pandey, Advocate

For Respondent/ State : Shri Alok Bakshi, Addl A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2021

Heard

1. The present petition is filed for following reliefs:-

10.1 That the petitioner most humbly and respectfully prays to this Hon'ble Court to issue appropriate writ/order/direction to the respondent authorities to consider the representation of the petitioner forthwith and after consideration of the representation the respondents shall issue work order in favour of the petitioner.

10.2 Any other relief whatsoever, this Hon'ble Court may deem fit and proper may also be granted to the petitioner.

2. Learned counsel for the petitioner would submit that bid was submitted by the petitioner for "selection of service provider for Fleet Management of 102 Mahatari Express" and according to the tender documents including the salary of driver, insurance charges and other incidental charges the petitioner (L-3) has quoted price bid of Rs. 1,60,983/- while the other L-1 quoted the price bid of Rs. 97,104/- and L-2 quoted with price bid of Rs. 1,08,102/-. He further submits that the L-1 has been eliminated as he was not able to qualify the techno bid and now the petitioner (L3) and L2 are left and there is 40 % difference between the quoted prices. It is stated that it would be impossible for L-2 who has quoted price bid of Rs. 1,08,102/- to perform the contract within the said amount. Learned counsel further submits that therefore, under the circumstances, the petitioner has filed an application before the respondents to reconsider the same which is not being decided. He would further submit that again as it has happen in past there would be repetition of the tender process and the main purpose for which bid was floated would be defeated.
3. Learned State counsel submits that he is unable to understand the issue that if someone has quoted low rate what problem will the petitioner is going to face. He further submits that in respect of the repetition of tender he do not have any instructions and right of the petitioner is pre mature.
4. Perused the documents and heard the learned counsel for the parties.
5. Submissions of the petitioner would show that the tender is not yet finalized and if the petitioner has quoted bid of Rs. 1,60,983/- and L-2 has quoted bid of Rs. 1,08,102/- it is for the respondents to decide the issue for the reason that both have qualified the techno bid. The claim of the petitioner to eliminate L-2 for the reason that it is unreasonable cannot be accepted by this Court, it is for the respondents to harp upon it whether such quoted rate is workable or not. If L-2 is unable to perform at the quoted bid, despite the acceptance of the contract, it is for him to bear the burnt and the application of the petitioner

that the quoted bid by L-2 is unreasonable cannot be accepted by this Court as a conclusive proof of fact. The petition has no locus at this stage when the tender have not yet been finalized.

6. In view of this, the petition sans merit is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti