

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**WPC No. 2847 of 2021**

1. Muskan Dhebar, S/o late A.R. Dhebar, aged about 51 years, R/o Gobra Nawa Para, District-Raipur Chhattisgarh
2. Raja Changel, S/o Yusuf Changel, aged about 51 years, R/o Gobra Nawa Para, District Raipur Chhattisgarh
3. Manish Kosta, S/o Jhumuklal Kosta, aged about 39 years, R/o Gobra Nawa Para, District Raipur Chhattisgarh

----Petitioners**VERSUS**

1. State of Chhattisgarh, through its Secretary Urban Administration and Development Department Indrawati Bhawan Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. Director Urban Administration and Development Department Indrawati Bhawan Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
3. Joint Director, Urban Administration and Development Department, Indrawati Bhawan Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
4. Chief Municipal Officer, Municipal Council Gobra Naya Para, District Raipur Chhattisgarh
5. Rajendra Patre, Presently Chief Municipal Officer, Gobra Nayapara, District Raipur Chhattisgarh
6. Vihamgam Construction, its Proprietor Bal Krishna Sahu, Gobra Nayapara, District Raipur Chhattisgarh
7. Avi & Company, its proprietor Avi Chowdhary, Gobra Nayapara, district Raipur Chhattisgarh
8. Karan Trader, its proprietor Ravi Narwani, Gobra Nayapara, District Raipur Chhattisgarh
9. Shine Construction its proprietor MD. Ayub & MD Owais, Gobra Nayapara, District Raipur Chhattisgarh
10. Mehboob Changel, its proprietor Mehboob Changel, Gobra Nayapara, District Raipur Chhattisgarh
11. Resham Singh Mundal, its proprietor Resham Singh Mundal Gobra Nayapara District Raipur Chhattisgarh
12. Santosh Khadami Phingeshwar, its proprietor Santosh Khadami Phingeshwar, Gobra Nayapara, District Raipur Chhattisgarh
13. M.S. Builder, Bajaj Buildcon, Gariyaband

-----Respondents

For Petitioners	: Ms. Diksha Gouraha, Advocate.
For Respondents-State	: Mr. Sudeep Agrawal, Dy. Adv. Gen.

Hon'ble Shri Prashant Kumar Mishra, Acting Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

(proceedings through Video Conferencing)

Per Prashant Kumar Mishra, Acting CJ.

23/07/2021

1. The Notice Inviting Tender (NIT) was issued by Municipal Council, Gobra Nawapara on 15.06.2021, inviting tender for the subject 26 works for Rs. 157.34 Lac, to be submitted by 30.06.2021.
2. It is the stand of the petitioners that they were not allowed to participate in the tender process in as much as even the tender form was not supplied to them and petitioners request before the superior authority also did not fructify. It is further contended that the Municipal Council has acted in an arbitrary and irrational manner by keeping the petitioners out of the tender process. It is prayed in the writ petition that the petitioners be allowed to participate in the tender process by providing them the tender application form and further to direct the Municipal Council to extend the date of opening of tender bid which was scheduled on 12.07.2021.
3. Admittedly, the present petition was preferred on 09.07.2021. The next two days ie. 10th and 11th of July, 2021 being Saturday and Sunday, the Court was closed. The writ petition came up for hearing for the first time on 15.07.2021, on which date this Court issued notices and posted the matter today ie. 23.07.2021 for hearing on interim application.

4. Mr. Sudeep Agrawal, learned counsel for Respondents/ Municipal Council, Gobra Nawapara, submits that the last date of submission of tender form was 30th June, 2021. All the tender forms submitted before the authority, on or before the said date, were subsequently opened on 12.07.2021 and thereafter work order has already been issued to the successful tenderer on 15.07.2021. It is on this date, this petition was heard for the first time, meaning thereby that before this date the Municipal Council was not aware about the pendency of petition so that it can be alleged that the Municipal Council went ahead with the tender process to frustrate the writ petition.
5. From the documents filed along with the writ petition, it appears the nature of work for which the tender was issued is for construction of CC road in different wards of the Municipal Council. Thus, the said work having already commenced, as stated by learned counsel for the petitioners, the relief claimed in the writ petition cannot be allowed at this stage. The issue as to who was or was not responsible for denying the tender form to the petitioners has rendered academic.
6. In view of the above, writ petition is dismissed.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge