

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 4257 of 2021**

M/s. Swastik Printery, Changora Bhatha Raipur Chhattisgarh Through Proprietor Tarun Sharma S/o Shri Chandi Prasad Sharma Aged About 62 Years R/o HDO - 07, Sector-02, D.D. Nagar, Raipur District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through The Secretary, Department of Public Communication, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.
2. Additional Chief Executive Officer Chhattisgarh Sanwad Office At North Block, Sector-19, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh

---- Respondents

(Cause – title taken from Case Information System)

For Petitioner : Mr. Keshav Prasad Gupta, Advocate.
For Respondents / State : Mr. Gagan Tiwari, Deputy Government Advocate.

Hon'ble Shri Arup Kumar Goswami, Chief Justice**Hon'ble Shri Goutam Bhaduri, Judge****Order on Board****Per Arup Kumar Goswami, Chief Justice****27.10.2021**

Heard Mr. Keshav Prasad Gupta, learned Counsel for the petitioner. Also heard Mr. Gagan Tiwari, learned Government Advocate appearing for respondents / State.

2. The respondent No.2 had issued a tender notice dated 18.02.2021, inviting tenders for fixing rates for various printing materials and empanelment of eligible firms.

3. By an order dated 01.09.2021, the Additional Chief Executive Officer, Chhattisgarh Samwad, which is an associate organization of Department of Public Relation, informed the petitioner that as tender form was submitted after the prescribed time limit, the technical bid was not accepted and envelopes deposited for Class "A", "B" and "C" are returned in original. It was mentioned in the said letter that time for submitting hard copy of financial bid, which is to be submitted online, and technical bid of tender was fixed by 3 pm of 24.08.2021.

4. Drawing the attention of the Court to Clause 7 of the Terms and Conditions, as enclosed at Annexure P/3 at page 15 of the writ petition, it is submitted by Mr. Prasad that 3 pm of 24.08.2021 was fixed only for the purpose of online submission and the same does not relate to submission of hard copies and since the petitioner had submitted tender documents online before 3 pm, respondent No. 2 committed illegality in refusing to accept the tender of the petitioner. Mr. Prasad submitted that the petitioner had submitted all the documents physically at 3.10 pm.

5. On the other hand, Mr. Gagan Tiwari submitted that a reading of page 18, where time fixed was set out, would demonstrate that requisite tender papers had to be submitted as required under the Terms and Conditions including physical copies by 3 pm of 24.08.2021. Accordingly, he submits that no case is made out for accepting the prayer made by the petitioner in the writ petition.

6 It is noted that tender notice in question was issued way back on 18.02.2021. Some corrigendums had been issued and by a corrigendum dated

31.07.2021, the time and last date for obtaining tender papers in respect of Class “A”, Class “B” and Class “C” was fixed on 24.08.2021 at 2 pm, last date of submission of tender was fixed at 3 pm of 24.08.2021 and last date for opening of tenders was fixed at 4 pm of 24.08.2021. Translated version of Clause 7 of Annexure P/3 at page 15, on which reliance is placed by Mr. Prasad, reads as follows:

“7. The printers have to fill the financial rates in the prescribed tender form online in the website “samvad.cg.nic.in” of Chhattisgarh and after submitting the rate online, print has to be taken and the hard copy has to be submitted in envelope along with the tender for financial bid. All essential documents of technical bid has to be compulsorily submitted offline in technical bid envelope along with the tender.”

7. A perusal of the above would go to show that it is evident that hard copy of the financial bid has also to be physically submitted and that technical bid has to be submitted offline, meaning thereby, submitted physically.

8. Therefore, we find no substance in the argument of Mr. Prasad that the time 3 pm refers to only online submission of the financial bid. It is admitted position that bids were submitted physically at 3.10. pm.

9. In that view of the matter, we find no good ground to entertain this petition and accordingly, the same is dismissed.

Sd/-
(Arup Kumar Goswami)
Chief Justice

Sd/-
(Goutam Bhaduri)
Judge