

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No. 3335 of 2020

- Bharat Petroleum Corporation Limited (A Public Sector Undertaking) Through Its Territory Manager (Retail) Abhijit Panar S/o Shri S. Panari, Aged About 41 Years, Bharat Petroleum Corporation Limited First Floor, Shaheed Veer Narayan Bhawan, Nagar Gadhi Chowk, Opposite Collectorate, Raipur, Tahsil And District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur District Raipur Chhattisgarh.
2. State Urban Development Agency Through Its Chairman, Naya Raipur Chhattisgarh.
3. Municipal Corporation Raipur Through Its Commissioner, Municipal Corporation Raipur Chhattisgarh.
4. Raipur Urban Public Transport Society A Society Registered Under Chhattisgarh Societies Registration Act, 1973 Through Its Secretary/ Commissioner Municipal Corporation Raipur Room No. 303, Ii Floor, Municipal Corporation Raipur White House Raipur Chhattisgarh.
5. Chhattisgarh Infotech Promotion Society (Chips) Through Its Chief Executive Officer, Raipur Chhattisgarh.
6. Indian Oil Corporation Limited, Through Its Chief Divisional Retail Sales Manager, Raipur, Divisional Office, Indian Oil Bhawan, Vip Road, Raipur, Telibandha, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.
7. Hindustan Petroleum Corporation Limited, Through Its Regional Manager, Raipur, 2nd Floor, Madina Manjil, Jail Road, Tehsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondents

For Petitioner	: Mr. Saurabh Sharma, Advocate
For Respondent/State	: Mr. Sudeep Agrawal, Deputy Advocate General
For Respondent Nos. 2 to 4	: Mr. Pankaj Agrawal, Advocate
For Respondent No. 6	: Mr. Anand Shukla, Advocate
For Respondent No.7	: Mr. Ali Asgar, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**Per, P. R. Ramachandra Menon, Chief Justice****02.02.2021**

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

“10.1 The Hon'ble Court may kindly be pleased to call for the entire records related to the impugned action of the respondents, for the kind perusal of this Hon'ble Court.

10.2 That, the Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders, direction/ directions, directing the respondents to open the financial bid submitted by the petitioner and further the respondents be directed to consider the eligibility of getting tendered contract to company whose tender is found appropriate and to set-aside the communication dated 08.12.2020 (Annexure P/3).

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

10.4. 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. Shri Anand Shukla, the learned counsel for the 6th Respondent-Indian Oil Corporation submits that the point raised by the petitioner in the writ petition does not deserve consideration as they failed to satisfy the requirement, particularly the clarification sought for from the part of the Respondent Nos. 2 to 4 who floated the tender and only explanation is that the query unfortunately got into the spam folder. The learned counsel submits that all the requirements were satisfied by the 6th Respondent and their price bid had been opened, by virtue of which, the proceedings have to be taken to a logical conclusion by the Respondent Nos. 2 to 4.
3. The matter came up for consideration before this Court on 23.12.2020, 11.01.2021, 18.01.2021, 25.01.2021 and 29.01.2021. Today, when the matter is taken up, Mr. Pankaj Agrawal, learned counsel appearing for the

Respondent Nos. 2 to 4/Municipal Corporation submits that the tender was floated more than one year ago and extension was ordered twice. By this time, much developments have taken place and in the said circumstance, in the attempt to create a 'level playing field', the Respondents do not want to proceed with the present tender and that they are proposing to issue a fresh tender incorporating all the relevant terms and conditions. The learned counsel submits that all the interested parties can participate in the said tender, subject to the qualifications mentioned in the tender notification.

4. In view of the above submission, we do not find it necessary to adjudicate the issue as nothing survives for consideration in this writ petition. The matter is closed accordingly, leaving it open for the Respondents to take appropriate steps in accordance with law.
5. We make it clear that we are not mentioning anything with regard to the correctness or otherwise of the decision of the Respondent /Municipal Corporation with regard to the floating of fresh tender, for which the said Respondents are stated as having ample power.

The writ petition stands disposed of.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge