

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCC No. 12 of 2021**

- Anshul Kumar Jain, s/o Shri Devendra Kumar Jain, aged about 38 years, R/o B-302, Pooja Park, Near Mukti Dham, Sarkanda, Tehsil and District Bilaspur C.G.

-----Petitioner**VERSUS**

1. State of Chhattisgarh through the Secretary, Panchayat and Rural Development Department (Rural Engineering Services), Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. The Engineer in Chief (E.N.C.) Tender Uploading Authority, Rural Engineering Services, Atal Nagar, New Raipur C.G.
3. The Chief Engineer Rural Engineering Services Department, Vikas Ayukta Karyalaya Vikas Bhawan, Civil Line, Raipur, Chhattisgarh
4. The Superintendent Engineer Rural Engineering Services Department Circle Bilaspur, In front of Sanjay Taran Pushkar, Mungeli Naka Bilaspur, Chhattisgarh, Pin No. 495001
5. The Executive Engineer Rural Engineering Services, Division Bilaspur, In front of Sanjay Taran Pushkar, Mungeli Naka Bilaspur, Chhattisgarh 495001

-----Respondents

For Petitioner	: Mr. Bharat Gulabani, Advocate
For Respondent-State	: Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****Per Parth Prateem Sahu, J.****13/01/2021**

1. This application filed by the petitioner is under the head of "Application for Clarification/ Modification of Order dated 10.12.2020 passed in WPC No. 2904/2020".
2. Petitioner has filed the writ petition challenging the application of the petitioner on rejection of his technical bid in proceedings of Tender notification no. 67004 dated 17.08.2020. One of the grounds for rejection of technical bid of the petitioner was that the petitioner has not submitted the Work Completion Certificate of the existing work, construction of CC

road, of the competent authority. Petitioner has sought for following reliefs:

“10.1 That, this Hon'ble Court may kindly be pleased issue appropriate writ/ order to set-aside decision of rejection dated 20/10/2020 of the respondents communicated to the petitioner *vide* letter dated 31/10/2020 by the Respondent/ Executive Engineer (ANNEXURE P-7);

10.2 That, this Hon'ble Court may kindly be pleased issue appropriate writ/ order to the respondents to allow and consider the participation of the petitioner in the price bid opening for the Tender No. 67004 dated 17/08/2020 issued by Respondent No.;

10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief as it may deems fit and appropriate.”

3. After considering the entire arguments raised by learned counsel for the petitioner and also the respondent, impugned order was passed by recording following finding:

“11. It is not a case that the petitioner is not aware with regard to competent authority issuing work completion certificate for the work done in Nagar Palika Parishad, Akaltara because the petitioner himself has submitted the work completion certificate for work order dated 31.12.2016 issued under the seal of Chief Municipal Officer, Assistant Engineer and Sub Engineer jointly on 02.05.2018. This shows that the petitioner has consciously obtained the experience certificate from the Assistant Engineer knowing fully well that he is not the authority to issue the work completion certificate.”

4. During the course of argument, learned counsel for the petitioner could not able to point out any mistake said to be clarified or modified in the Order. In paragraph 12 of the application, they have pleaded about the powers of the Court with regard to Review of an Order passed by this Court. We are aware with regard to the legal position of exercising jurisdiction of Review. Orders passed by the Court can be reviewed where there is any error apparent on the face of record. No such error is pointed out by the

learned counsel for the petitioner. We find support of the ruling of Hon'ble Supreme Court in case of **Smt. Meera Bhanja vs Smt. Nirmala Kumari Choudhury** reported in **(1995) 1 SCC 170**.

5. In view of the above, we do not find any merit in this petition which is liable to be and is hereby dismissed accordingly.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge