

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 4849 of 2021**

M/s. T.B.S. Banchhor Having Office At 29, Kadambari Nagar, Durg, Chhattisgarh, Through Its Partner Shri Nivedit Banchhor, Aged About 43 Years, R/o 29, Kadambari Nagar, Durg, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Water Resource Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh.
2. Engineer-In-Chief Mahanadi Godavari Basin, Water Resource Department, Shivnath Bhawan, Atal Nagar, Raipur, Chhattisgarh.
3. Chief Engineer Water Resource Department, Shivnath Bhawan, Atal Nagar, Raipur, Chhattisgarh.
4. Chief Engineer (Tender Cell) O/o The Engineer-In-Chief, Water Resource Department, Shivnath Bhawan, Atal Nagar, Raipur, Chhattisgarh.

---- Respondents

(Cause-title taken from Case Information System)

For Petitioner : Mr. Shishir Dixit, Advocate

For Respondents : Mr. Gagan Tiwari, Deputy Government Advocate

Hon'ble Shri Arup Kumar Goswami, Chief Justice**Hon'ble Shri N.K. Chandravanshi Judge****Order on Board****Per Arup Kumar Goswami, Chief Justice****06.12.2021**

Heard Mr. Shishir Dixit, learned counsel for the petitioner. Also heard Mr. Gagan Tiwari, learned Deputy Government Advocate appearing for the respondents.

2. The petitioner submitted his tender pursuant to System Tender No. 81866/NIT No.02/SAC/2021-22 dated 06.09.2021 for the project, namely, *“Ruse Tank Medium Project”* and the scope of said work was of *“Remodelling and CC lining R.R. 0 m. to 9480 m. of Ruse Tank Feeder Canal and Reconstruction of 06 nos. D.D., 05 nos. Drainage Syphon and Construction of 01 nos. Fall, 04 nos. Drainage Siphon, 09 nos. Inlet, 04 nos. V.R.B., 01 nos. Aggaduct and 23 nos. Colaba Pipe with Gate in Block Khairagah of District Rajnandgaon”*.

3. An e-mail dated 02.11.2021 was issued by the respondent No.4 mentioning therein that the petitioner was disqualified due to not fulfilling the Bid Capacity Criteria and further providing that the petitioner can submit an explanation to the Tender Cell within a period of two days. Subsequent thereto, the petitioner had submitted representation dated 17.11.2021. As no action has been taken, the petitioner has approached this Court by filing the present petition under Article 226 of the Constitution of India assailing the e-mail dated 02.11.2021.

4. Mr. Shishir Dixit, learned counsel for the petitioner submits that the petitioner had approached this Court when his tender was rejected on similar ground in respect of a different tender notice by filing a writ petition being WPC No.4801 of 2021. In the said case also, the petitioner had submitted representation on 17.11.2021, as in the present case. This Court, by order dated 26.11.2021 in WPC No.4801 of 2021, had rejected the writ petition on the ground that the petitioner had not availed the opportunity granted to file representation within the stipulated period of time, as also on the ground that the respondents had proceeded with the opening of the financial bid and L-1 bidder had also been identified. It is fairly submitted by

him that in view of the above, this petition is also to be dismissed in the light of the order passed in WPC No.4801 of 2021.

5. Mr. Gagan Tiwari, learned Deputy Government Advocate appearing for the respondents submits that in this case, not only financial bid had been opened, but the tender has also been awarded.

6. In that view of the matter, we are not inclined to entertain this writ petition and accordingly, the same is dismissed. No cost.

Sd/-

(Arup Kumar Goswami)
Chief Justice

Sd/-

(N. K. Chandravanshi)
Judge