

**(2018) 09 CHH CK 0430**

**Chhattisgarh High Court**

**Case No:** Writ Petition (C) No. 2418 Of 2018

M/s. Himalaya Enterprises

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

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**Date of Decision:** Sept. 27, 2018

**Acts Referred:**

- Constitution Of India, 1950 - Article 14

**Hon'ble Judges:** Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

**Bench:** Division Bench

**Advocate:** Keshav Prasad Gupta, UNS Deo

**Final Decision:** Dismissed

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**Judgement**

Ajay Kumar Tripathi, CJ

1. Heard learned counsel for the Petitioner and the learned Government Advocate for the State.

2. The tender bid of the Petitioner was rejected in the sense that his one envelope in relation to 13 different bids put together was not opened and therefore, he rushed to this Court for a direction.

3. The NIT is in unambiguous terms that for every separate tender, a separate envelope duly marked as to the NIT number with 13 different FDRs must be submitted for consideration so that they can be evaluated separately in relation to those NITs.

4. Admitted position is that the Petitioner put all the 13 bids with 13 FDRs in one envelope not even indicating therein that they related to 13 different tenders.

5. The terms and conditions of the NIT are unambiguous. They have to be unanimously followed by all the bidders and no discretion by way of concession can be allowed in favour of one or the other or else it will violate Article 14 of the Constitution of India, if not lead to unnecessary controversy by allowing discretion to the decision makers.
6. The default is on the part of the Petitioner. Obviously, either he is a first entrant to the area of such bidding or else he would not have taken recourse to such a process and procedure. In addition to that, in the counter affidavit, it has been stated that the last date for submission of the tender document was 06.08.2018 till 03:00 pm and the bid was opened on the same day at 04:00 pm.
7. If that be so, it is too late in the day now to direct the Respondents to open the main envelope, separate all 13 envelopes and consider them now. No case is made out for such direction.
8. The writ application has no merit. It is dismissed.