



2026:CGHC:9794-DB



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 840 of 2026

Anup Kumar Jaiswal A Proprietorship Firm Having Office At - Ward No.21 Near Chainpur Naka Ambikapur Road, District- Manendragarh-Chirmiri-Bharatpur (C.G.) Through- Its Proprietor/ Authorised Representative Anp Kumar Jaiswal S/o Lalbabu Jaiswal Aged About 53 Years R/o Ward No.21, Near Chainpur Naka Ambikapur Road District- Manendragarh-Chirmiri-Bharatpur C.G. (P.O- Manendragarh)

... **Petitioner**

versus

1 - Chhattisgarh Police Housing Corporation Ltd. Through Its Chairman Cum Managing Director Having Office At Chhattisgarh Police Housing Corporation- Ltd Civil Lines Beside Rajbhawan, District- Raipur (C.G.)

2 - Chairman Cum Managing Director Chhattisgarh Police Housing Corporation Ltd, Having Office At Chhattisgarh Police Housing Corporation Ltd Civil Lines Beside Rajbhawan District- Raipur (C.G.)

3 - State of Chhattisgarh Through Secretary Department of Home Having Office At- Mantralaya Mahanadi Bhawan Atal Nagar Nava Raipur District- Raipur (C.G.)

... **Respondents**

For Petitioner	:	Mr. Trivikram Nayak and Mr. Shivam Agrawal, Advocates
For Respondent Nos. 1 & 2	:	Mr. Pranjal Agrawal, Advocate
For Respondent No.3 / State	:	Mr. S.S. Baghel, Govt. Advocate

Hon'ble Mr. Ramesh Sinha, Chief Justice
Hon'ble Mr. Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

25.02.2026

1. Heard Mr. Trivikram Nayak and Mr. Shivam Agrawal, learned counsel for the petitioner. Also heard Mr. Pranjal Agrawal, learned



counsel, appearing for respondent Nos. 2 & 3 / Chhattisgarh Police Housing Corporation Ltd. and Mr. S.S. Baghel, learned Government Advocate, appearing for the State/respondent No.3.

2. The present petition has been filed by the petitioners under Article 226 of the Constitution of India, with the following prayers :-

"I. That, this Hon'ble Court may kindly be pleased to call for the entire records pertaining to the 4th Call of the NIT/tender bearing Tender No. CGPHC/1717/TS/Building/ 2026, RAIPUR, DATED: 03/02/2026 bearing e-Proc Tender Number 185146; as well as entire records pertaining to the 3rd Call of the NIT/tender bearing Tender No. CGPHC/ 724/ TS/ Building/ 2025, RAIPUR, DATED: 08/08/2025 bearing e-Proc Tender Number 173452, both of which had been issued by Respondent Nos. 1 & 2 on e-Procurement Portal for Construction of Police Control Room at Manendragarh Bharatpur Chirmiri, District.- Manendragarh-Bharatpur-Chirmiri (C.G.);

II. That, this Hon'ble Court may kindly be pleased to issue appropriate Writ(s), Order(s), Direction(s) to quash and set-aside the 4th Call of the tender/NIT bearing Tender No. CGPHC/1717/TS/Building/ 2026, RAIPUR, DATED: 03/02/2026 bearing e-Proc Tender Number 185146 (Annexure P/6) which has been issued by Respondent agency- CGPHCL (Respondent No. 1 & 2) in an arbitrary and illegal manner;

III. That, this Hon'ble Court may kindly be pleased to issue appropriate Writ(s). Order(s), Direction(s) declaring that the Petitioner's award of Tender as L-1 in 3rd Call of the NIT/tender bearing Tender No. CGPHC/724/TS/Building/ 2025, RAIPUR. DATED: 08/08/2025 bearing e-Proc Tender Number 173452 is just and proper and the Respondent authorities vis-à-vis CGPHCL (Respondent No. 1 & 2) be specifically directed to SSION Issue Letter of Acceptance in Petitioner's favour in the 3rd Call and also execute an agreement for the same;



IV. That, this Hon'ble High Court may kindly be pleased to impose exemplary costs on the tender inviting authority CGPHCL (Respondent No. 1 & 2) which has acted in arbitrary, illegal and mala fide manner in the matter at hand and further the Hon'ble Court may provide monetary compensation for the mental agony, harassment and the hardships faced by the petitioner owing to the arbitrary & illegal conduct of respondent authorities vis-à-vis CGPHCL;

V. That, this Hon'ble Court may grant any other relief in favour of the Petitioner, which it deems fit in the facts and circumstances of the case, in the interest of Justice, including the cost of the Petition."

3. Learned counsel for the petitioner submitted that the petitioner, who is a Proprietorship firm having Class 'D' registration registered as Class 'D' civil contractor with the Public Works Department (PWD) with an experience of over 15 years in field of civil work/construction work & the firm also regularly engages in engine & body repairing work, electrical & general order supplier work, had participated in the (Third Call) of the tender bearing Tender No. CGPHC/724/TS/Building/ 2025, Raipur, Dated: 08/08/2025 bearing e-Proc Tender Number-173452 which was issued by C.G. Police Housing Corporation Ltd. vis-à-vis Respondent No. 1 & 2 for Construction of Police Control Room at Manendragarh-Bharatpur-Chirmiri, District- Manendragarh-Bharatpur-Chirmiri (C.G.) for a Probable Amount of Contract totalling 83.28 Lakh Rupees. In the said 3rd Call for Tender the Petitioner had duly participated in the same having all requisite qualifications and he was eligible as per the tender terms and conditions and accordingly he was declared eligible bidder and subsequently in



the financial rounds he was declared L-1 bidder. Yet despite passage of time and repeated requests and communication the respondent authorities failed to issue the Letter of Acceptance in favour of Petitioner and also did not ever respond about the same. Furthermore, the respondent authorities arbitrarily have issued the 4th round of tender with the exact specification and requirement and whereas neither any communication has been made nor any information has been published either on the e-procurement portal or on website of respondent corporation informing the reason for arbitrarily, irrationally and wrongly issuing 4th Call for Tender without even actually cancelling the 3rd Call for tender wherein Petitioner was rightly declared as L-1. He further submitted that to the utter shock of Petitioner the details of L-1 has been later on removed from the e-proc portal which shows backend manipulation and concealing of information at the hands of the respondent corporation which is per se arbitrary and illegal. The action of respondent authorities tantamounts to having arbitrarily and illegally the 4th Call for tender is illegal arbitrary & issued in bad faith and is liable to be quashed/set-aside.

4. On the other hand, learned counsel appearing for respondent No.1 & 2 / Chhattisgarh Police Housing Corporation Ltd. opposed the aforesaid submission and submitted that though the petitioner has been declared L-1 in the 3rd Call for the tender, but later on when it came to the notice of the respondent authorities that for compliance of the Clause No. 8(3), a special condition as per NIT,



which says that it is mandatory to submit online by the contractor the list of on-going works/works in hand. If any work is found delayed beyond one year from the stipulated date of completion, the contractor will be disqualified for the reason of poor performance, the petitioner had submitted false or wrong affidavit, hence, his bid was rejected and 4th Call has been invited for the same work.

5. We have heard learned counsel for the parties at length and perused the documents placed on record including the Notice Inviting Tender (NIT), the relevant clauses thereof and the pleadings filed by the respective parties.
6. It is not in dispute that the petitioner participated in the 3rd Call of Tender bearing Tender No. CGPHC/724/TS/Building/2025, dated 08.08.2025, issued by respondent No.1 & 2 for construction of Police Control Room at Manendragarh-Bharatpur-Chirmiri, and that he was declared L-1 in the financial bid.
7. The principal grievance of the petitioner is that despite being declared L-1, no Letter of Acceptance was issued in his favour and instead the respondent authorities proceeded to issue the 4th Call for Tender for the same work without formally cancelling the earlier tender, which according to him is arbitrary and mala fide.
8. Per contra, learned counsel appearing for respondent No.1 & 2 submitted that though the petitioner was declared L-1, during scrutiny it was noticed that for compliance of Clause 8(3) of the NIT, which mandatorily requires submission of an online affidavit



regarding list of ongoing works/works in hand and provides for disqualification if any work is found delayed beyond one year from the stipulated date of completion, the petitioner had submitted a false/incorrect affidavit. On detection of such discrepancy, his bid was rejected and consequently the 4th Call for Tender was issued.

9. On a pointed query put to learned counsel for the petitioner as to whether the affidavit submitted by the petitioner in compliance of Clause 8(3) of the NIT was correct and in consonance with the factual position, he was unable to furnish any plausible explanation or demonstrate that the affidavit was accurate and free from suppression of material facts.
10. It is well settled that a bidder participating in a tender process must strictly adhere to the terms and conditions of the NIT. Submission of a false or misleading affidavit in respect of eligibility conditions strikes at the very root of the tender process and disentitles the bidder from claiming any equitable relief. Mere declaration as L-1 does not confer an indefeasible right to issuance of Letter of Acceptance, particularly when the bid is found to be non-compliant with mandatory conditions.
11. In the present case, Clause 8(3) of the NIT is a mandatory eligibility condition. Once it was found that the affidavit submitted by the petitioner was not in conformity with the actual status of ongoing works, the respondent authorities were justified in rejecting his bid. The decision to invite a 4th Call for Tender, in such circumstances, cannot be said to be arbitrary, mala fide or



actuated by bias.

12. This Court, in exercise of jurisdiction under Article 226 of the Constitution of India, does not sit as an appellate authority over administrative decisions in tender matters. Interference is warranted only when the decision-making process is shown to be arbitrary, irrational or in violation of statutory provisions. No such ground has been made out in the present case.
13. In view of the foregoing discussion, this Court finds no merit in the writ petition. The petitioner has failed to establish any arbitrariness or illegality in the action of respondent No.1 & 2 in rejecting his bid and issuing the 4th Call for Tender. Accordingly, the writ petition is **dismissed**.
14. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice