



2026:CGHC:12597-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 1152 of 2026**

Ashok Kumar Mittal Engineers And Contractors Proprietor- Ashok Kumar Mittal S/o P.L. Mittal, Aged About 59 Years Hig-02, M.P. Nagar, Niharika Road, Korba (C.G.)

... Petitioner(s)**versus**

1. State of Chhattisgarh Through The Secretary, Water Resources Department, Mahanadi Bhawan, Nava Raipur, Distt.- Raipur (C.G.)
2. Chief Engineer (Tender Cell) Office Of Engineering-In-Chief, Water Resources Department Shivnath Bhawan, North Block, Sector 19, Nava Raipur, Atal Nagar, Raipur Distt.- Raipur (C.G.)
3. M/s S. Kumar Construction Co. Through Partner Mukesh Ku. Lakker S/o Mohanlal Lakker Office Address- Maharani Laxmibai Chowk, Abhanpur, Distt.- Raipur (C.G.)

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. H.S. Ahluwalia, Advocate.
For Respondent/State	:	Mr. Shashank Thakur, Additional Advocate General.



Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

17.03.2026

1. Heard Mr. H.S. Ahluwalia, learned counsel for the petitioner. Also heard Mr. Shashank Thakur, learned Additional Advocate General, appearing for the State/respondent.

2. The present writ petition has been filed by the petitioner with the following prayers:

"1. The Hon'ble Court may kindly be pleased to call for the entire records pertaining to the invited tender through NIT No. 42/SAC/25-25 with system tender No. 182199 regarding work of reconstruction of Bagod Anicut cum Lift Irrigation Scheme at block Kanker, for its kind perusal.

2. That, this Hon'ble Court may kindly be pleased to quash the impugned order dated 06.03.2026 (Annexure P/1) and order dated 06.03.2026 (Annexure P/2) declaring the respondent No. 3 to be successful bidder.

3. That this Hon'ble Court may kindly be direct the respondent authority to open the financial bid of the petitioner and if it is found to be lowest bid then the petitioner may be declared to be successful bidder.

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."



3. Learned counsel for the petitioner submits that the petitioner is a proprietorship firm represented through its proprietor and is entitled to all legal and constitutional rights guaranteed under the Constitution of India. It is submitted that respondent No. 2 invited a tender on 24.12.2025 through NIT No. 42/SAC/25-26 with System Tender No.182199 for the work of Reconstruction of Bagod Anicut Cum Lift Irrigation Scheme at Block Kanker having a probable contract value of Rs. 2177.50 lakhs (excluding GST). The stipulated period for completion of the work was 18 months (including rainy season) from the date of issuance of the work order.

4. Learned counsel for the petitioner further submits that the petitioner submitted its bid through the online portal <https://eproc.cgstate.gov.in> on 14.01.2026 at 1:26 p.m. Along with the bid documents, the petitioner furnished its A-Class Registration Certificate issued by the Public Works Department bearing Unique Identification Number CGeR01707 dated 16.08.2024, along with all other requisite documents in terms of the tender conditions. It is contended that as per Clause 2.1.4 of Part-II of the Notice Inviting Tender dated 24.12.2025, after opening of Envelope "B", evaluation of pre-qualification was to be carried out on the basis of the information furnished in the annexures submitted by the tenderers. During scrutiny of the documents, the petitioner was shown to be disqualified on the ground that its registration had been downgraded from Class-A to Class-B. Consequently, an explanation was sought from the petitioner through email dated 02.02.2026 directing the petitioner to submit its



reply within two days, failing which it would be presumed that the petitioner had no explanation to offer and the tender process would be proceeded with accordingly.

5. Learned counsel for the petitioner further contended that upon receipt of the said communication, the petitioner promptly submitted its reply through email dated 03.02.2026 enclosing its explanation dated 03.02.2026. In the said reply, it was specifically stated that the degradation order dated 14.07.2025 had already been set aside by the High Court of Chhattisgarh vide order dated 22.01.2026 passed in WPC No. 6221/2025. It was further brought to the notice of the authority that the said order had been forwarded to the Public Works Department through communications dated 30.01.2026 and 31.01.2026 requesting restoration and continuation of the petitioner's A-Class contractor registration as it existed prior to the order dated 14.07.2025. It was emphasized that in view of the order passed by the High Court, the degradation order dated 14.07.2025 had ceased to exist and therefore the petitioner's registration could not be treated as downgraded. It is further submitted that thereafter, vide order dated 10.02.2026, the Chief Engineer, Public Works Department, in compliance with the order passed by the High Court in WPC No. 6221/2025, passed a formal order restoring the petitioner's A-Class registration.

6. Learned counsel for the petitioner would submit that despite the detailed explanation submitted by the petitioner and notwithstanding the subsequent restoration of the petitioner's A-Class registration, the



respondent authority, by the impugned communication dated 06.03.2026, rejected the petitioner's bid in Tender No. 182199 during Part-I (Envelope-B) evaluation, i.e., the Techno-Commercial Evaluation conducted by the Water Resources Department, and disqualified the petitioner from further participation in the tender process on the ground that the petitioner's registration had been downgraded from Class-A to Class-B. It is further submitted that on the very same day, i.e., 06.03.2026, the financial bids were opened and respondent No. 3 was declared as L-1 with a quoted value of Rs. 23,51,00,000/-, whereas the financial bid submitted by the petitioner was substantially lower. According to the petitioner, the action of the respondent authority in disqualifying the petitioner and declaring respondent No. 3 as the successful bidder is arbitrary, illegal and contrary to law, particularly when the degradation order had already been set aside.

7. It is further submitted on behalf of the petitioner that the respondent authority, despite calling for an explanation under Clause 2.1.4 of Part-II of the Notice Inviting Tender, failed to properly consider the petitioner's reply and proceeded to disqualify the petitioner on a ground which had already ceased to exist. It is contended that the degradation order dated 14.07.2025 had been challenged by the petitioner in WPC No. 6221/2025, wherein the Court had issued notice to the State. Learned counsel further submits that as per the tender conditions the successful bidder ought to be the one who has quoted the lowest price. However, in the present case, although the petitioner had quoted a lower price than respondent No. 3, the petitioner was



excluded from further participation, resulting in respondent No. 3 being declared L-1. It is therefore argued that the decision of the respondent authority is likely to cause financial loss to the public exchequer and warrants interference by this Court.

8. *Per contra*, learned State counsel submits that the tender conditions required the bidder to possess the requisite registration and eligibility as on the last date of submission of the bid. It is submitted that the last date for submission of bids was 14.01.2026 and on that date the petitioner stood downgraded to B-Class pursuant to the order dated 14.07.2025. The State counsel submits that the eligibility of a bidder has to be determined with reference to the status existing on the date of submission of the tender documents and not on the basis of subsequent developments. It is further submitted that the restoration of the petitioner's A-Class registration was made only on 10.02.2026, i.e., much after the last date of submission of bids, and therefore the petitioner was not eligible to participate in the tender process as per the terms and conditions of the NIT. Learned State counsel thus submits that the decision of the respondent authority in declaring the petitioner technically disqualified is in strict conformity with the tender conditions and does not call for interference in exercise of writ jurisdiction.

9. We have heard learned counsel for the parties at length and perused the material available on record.

10. From the record it is not in dispute that the last date for submission of the tender was 14.01.2026. It is also not disputed that on



the said date the petitioner's contractor registration stood downgraded from Class-A to Class-B by virtue of the order dated 14.07.2025 passed by the competent authority. The subsequent order passed by the Chief Engineer on 10.02.2026 restoring the petitioner's A-Class registration came into existence much after the last date of submission of bids.

11. It is a settled principle governing tender jurisprudence that the eligibility of a bidder is required to be examined with reference to the conditions stipulated in the tender document and the status of the bidder as on the last date for submission of the bid. Subsequent events occurring after the cut-off date cannot be taken into consideration for determining the eligibility of a bidder. The tendering authority is bound by the terms and conditions of the Notice Inviting Tender and cannot relax or alter the eligibility criteria once the bidding process has commenced.

12. In the present case, since the petitioner admittedly did not possess A-Class registration as on the last date of submission of the tender, the respondent authority cannot be faulted for treating the petitioner as ineligible in the technical evaluation. The subsequent restoration of the petitioner's A-Class registration on 10.02.2026 does not confer any retrospective eligibility so as to entitle the petitioner to participate in the tender process.

13. In view of the aforesaid facts and circumstances, this Court does not find any illegality, arbitrariness or procedural impropriety in the decision of the respondent authority in disqualifying the petitioner during



the technical evaluation stage. Interference in matters relating to contractual and tender processes is limited and warranted only when the decision-making process is shown to be arbitrary, mala fide or in violation of the tender conditions, which is not the case here.

14. Consequently, the writ petition being devoid of merit is liable to be and is accordingly **dismissed**. No order as to cost(s).

**Sd/-
(Ravindra Kumar Agrawal)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**