



2026:CGHC:21059-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2243 of 2026**

Ms. Shree Jee Construction Through- Power of Attorney Holder Pawan Kesharwani S/o Late Ram Das R/o Ward No 10, Pendra Distt- G.P.M. (C.G.)

... Petitioner**versus**

1 - State of Chhattisgarh Through- Secretary Panchayat And Rural Development Department Mahanadi Bhawan Naya Raipur District- Raipur (C.G.)

2 - Rural Engineering Services Through- Chief Engineer 1st Floor Development Commissioner Office Nawa Raipur Atal Nagar Naya Raipur District- Raipur (C.G.)

3 - The Executive Engineer Rural Engineering Services Division- Marwahi District- G.P.M. (C.G.)

4 - Ms Balaji Homes Public Food And Night Shelter Through Its Partner And Attorney Holder Rajesh Kumar Modi, R/o Nh-49, Near Manjhali Talab Champa Distt- Janjgir-Champa (C.G.)

... Respondents

For Petitioner	:	Mr. Yogendra Chaturvedi and Ms. Najmi Begam Advocates
For State / Respondent	:	Mr. Shashank Thakur, Additional
Nos. 1 to 3		Advocate General

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

Order on Board**Per Ramesh Sinha, Chief Justice****06.05.2026**

1. Heard Mr. Yogendra Chaturvedi, learned counsel for the petitioner as well as Mr. Shashank Thakur, learned Additional Advocate General, appearing for the State/ respondent Nos.1 to 3.



2. The present writ petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking following reliefs :

“10.1 That, this Hon'ble Court may kindly be pleased to set aside the Decision/Financial Bid Comparison Sheet ANNEXURE P/1 whereby Respondent No. 4 has been declared the L-1 bidder and awarded the subject tender.

10.2 That, this Hon'ble court may kindly be please to direct the Respondent Authorities, by way of an appropriate writ or order, to immediately cancel and terminate the tender proceedings under E-N.I.T. No. 09/2025-2026 dated 24.02.2026, and to refrain from taking any further steps in furtherance of the said NIT.

10.3 That, this Hon'ble court may kindly be please to direct the respondent authorities to re-invite the tender for the construction of Zila Panchayat Bhawan, Distt-Gaurela Pendra Marwahi, to be conducted under the supervision of independent, higher-ranking competent authorities to ensure transparency and fair competition.

10.4 That, this Hon'ble court may kindly be please to direct the higher authorities of the Respondent Department to initiate a high-level departmental enquiry against the members of the tender committee and Respondent No. 3 for the repeated procedural lapses and "technical negligence as evidenced by the issuance of the Show Cause Notice.

10.5 That, any other relief or reliefs may also be granted to the petitioner which this Hon'ble court deems fit and proper in the facts and circumstances of the case.”

3. Brief facts of the case are that pursuant to the E-Notice Inviting Tender (E-N.I.T) No. 09/2025-2026 (Second Invitation) dated



24.02.2026 floated by the Respondent authorities, tender applications were invited for the construction work of Zila Panchayat Bhawan, Distt- Gaurela Pendra Marwahi (C.G) and last date of submission of the tender application was 07.03.2026 and technical bid was to be opened on 11.03.2026 at 12.30 PM. The Petitioner and other candidates including the Respondents No.4 also submitted their tender form for the said project within the stipulated time period and thereafter on 11.03.2026 at about 12:30PM before the tender committee, the technical bid was opened and thereby 5 candidates including the petitioner were declared eligible for further processes of financial bid however 2 candidates were declared disqualified. The petitioner raised objection before the respondent authorities on 20.03.2026 and 25.03.2026 in respect of the eligibility of the other 4 eligible bidders and thereafter respondent authorities opened the financial bid on 08.04.2026 at about 04:48 PM and declared the respondent No. 4 as L-1 (Lowest bidder) and awarded the tender in his favor. The petitioner being aggrieved made objection on 09.04.2026 before the respondent authorities alleging that subject tender has been awarded to the Respondent No.4 ignoring the shortfalls to take with the documents attached by him with the tender application which is patently illegal as the infirmities in the document are serious in nature and renders the claim of the Respondent No.4 invalid. An enquiry was conducted by the respondent No.3 on 15.04.2026 in the presence of petitioner however it is denied by the petitioner that he ever participated in



such enquiry and the respondent No.3 has given clarification in respect of the facts collected in the said enquiry and a copy of the said enquiry has been given to the petitioner on 17.04.2026. The petitioner, being not satisfied with the said enquiry report, filed the instant petition seeking aforequoted reliefs.

4. Learned counsel for the petitioner submitted that the action of the respondent authorities in awarding the subject tender in favour of Respondent No. 4 is arbitrary, hasty, and reflective of a negligent approach, thereby vitiating the entire tender process. It is contended that pursuant to the E-N.I.T. dated 24.02.2026, although the petitioner was declared technically qualified along with other bidders, serious and specific objections were raised by the petitioner on 20.03.2026 and 25.03.2026 regarding the eligibility and deficiencies in the documents submitted by the other bidders, particularly Respondent No. 4. However, the respondent authorities, without properly considering or adjudicating upon the said objections, proceeded to open the financial bid on 08.04.2026 and hastily declared Respondent No. 4 as the L-1 bidder, thereby awarding the contract in undue haste. Such conduct clearly demonstrates a predetermined mindset and failure to adhere to the principles of fairness, transparency, and due diligence expected in public procurement. It is further submitted that the casual and negligent conduct of the respondent authorities is evident from the fact that the subject tender process had already been cancelled on two prior occasions, which itself casts doubt on



the consistency and seriousness with which the process was being undertaken. Despite this background, the authorities failed to exercise the required level of scrutiny while considering the objections raised by the petitioner.

5. On the other hand, learned State counsel submitted that this was a three layer bid and the tender Notice is Annexure-P-2 at page No.18, wherein clause No. 3 stipulates that any bidder, if he wishes to make certain objections, he may submit the objection within 3 days of the opening of the bid envelope No.2 i.e. Technical Document and in this case, the 1st Envelope, which is list of documents was opened on 14.03.2026 and 2nd Envelope, which is Technical Document was opened on 17.03.2026 and the Financial Bids were opened on 08.04.2026, whereas the petitioner raised objections only on 09.04.2026, i.e., after the declaration of the successful bidder, which itself reflects that the objections were an afterthought and intended to delay the process. Nevertheless, in the interest of fairness and transparency, the respondent authorities duly considered the said objections by constituting an enquiry committee, which conducted proceedings on 15.04.2026. All the issues raised by the petitioner were examined in detail, and the committee found no merit in the objections so as to warrant interference with the tender already awarded in favour of Respondent No. 4. It is further submitted that the findings of the enquiry committee, along with a detailed covering memo dated 17.04.2026, were duly supplied to the petitioner. However, the



petitioner has deliberately chosen not to place the said covering memo on record in the present petition, thereby suppressing material facts and attempting to present an incomplete and distorted picture before this Hon'ble Court. Such conduct disentitles the petitioner from any equitable relief under writ jurisdiction. It is thus evident that the respondent authorities have acted fairly, reasonably, and in accordance with law, and there is no procedural irregularity or arbitrariness in the decision-making process. The writ petition, being devoid of merit and suffering from suppression of material facts, deserves to be dismissed with costs.

6. It is not in dispute that the tender process in question was a three-layer bid system, governed by the terms and conditions stipulated in the E-N.I.T. dated 24.02.2026 (Annexure P-2). Clause 3 thereof clearly provides that any objection with respect to the technical evaluation was required to be submitted within three days from the opening of the technical bid. In the present case, the first envelope was opened on 14.03.2026 and the technical bid (second envelope) was opened on 17.03.2026. However, the petitioner failed to raise any objection within the stipulated time and instead chose to submit objections only on 09.04.2026, i.e., after the financial bids had already been opened on 08.04.2026 and Respondent No. 4 had been declared as the L-1 bidder. Such belated objections, clearly contrary to the tender conditions, cannot be permitted to unsettle a concluded stage of the tender process and appear to be an afterthought.



7. This Court further finds that, despite the delay, the respondent authorities, in the interest of fairness, constituted an enquiry committee, which examined the petitioner's objections on 15.04.2026. The findings of the said enquiry were duly communicated to the petitioner along with a covering memo dated 17.04.2026. However, the petitioner has deliberately withheld the said covering memo from this Court, thereby suppressing material facts and attempting to create a misleading narrative that his objections were not considered. Such conduct disentitles the petitioner from invoking the discretionary and equitable jurisdiction of this Court under Article 226 of the Constitution of India. Moreover, no material has been placed on record to demonstrate any arbitrariness, mala fide, or violation of the prescribed procedure in the tender process. The decision-making process appears to be fair, transparent, and in consonance with the terms of the tender.
8. Accordingly, in absence of any ground warranting interference, the writ petition is **dismissed**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice