



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPPIL No. 82 of 2024

PHULSINGH KACHLAM *versus* STATE OF CHHATTISGARH

Order on Board

19/02/2025	Ms. Rajni Soren, learned counsel for the petitioner as well as Mr. Sangharsh Pandey, Govt. Advocate appearing for respondent/ State are present. In compliance of the Court's order dated 20.01.2025, an affidavit has been filed by Superintending Engineer, Public Works Department, Circle- Kanker, District North Bastar Kanker (CG) which reads as under:- "1. That, I, Sanjay Suryavanshi, posted and acting as Superintending Engineer, Public Works Department, Circle, Kanker District North Bastar Kanker (CG), as such I am aware of the facts and circumstances of the case. 2. That, in the instant matter, vide order dated 20/01/2025, this Hon'ble Court has directed the deponent herein to file further affidavit as to whether the tender process which is said to be at final stage, has been finalized or not. 3. It is most respectfully submitted in compliance of the order

	dated 20/01/2025 passed by the Hon'ble Court that though the tender was issued for construction of Palli Chhote-Dongarh Orchha Road from KM 1 to KM 12 for an estimated amount of Rs. 2947.96 lakhs and even the lowest bidder was selected and the tender rates were also approved by the State Government. Copy of the letter dated 20/01/2025 is being filed and annexed herewith as Annexure A/1. It is respectfully submitted that vide letter dated 21/01/2025 a communication was made to firm/contractor namely M/s Shiromani Mathur, A class contractor, Dallirajhara, District Balod for entering into the agreement. However, for the reason best known to him, the said contractor did not turn up for entering into the agreement with the State Government or PWD. Division Narayanpur. Therefore, it is respectfully submitted that; as the lowest bidder namely M/s Shiromani Mathur did not turn up for entering into the agreement, the agreement could not be entered into and the work order could not be issued. Copy of the letter dated 21/01/2025 is being filed and annexed herewith as Annexure A/2 for kind reference of this Hon'ble Court. That, here it would be pertinent to mention that in the said letter, it has also been mentioned that if the contractor does not turn up for entering into agreement within 15 days, then suitable action would be taken against him for forfeiting the amount of earnest money deposit. 4. It is respectfully submitted that, the respondent authorities of the Department have tried their level best to conclude the tender process, however, the same could not be concluded as the lowest bidder did not turn up for entering into the agreement. Here, it would be pertinent to mention that the respondent PWD Department has even taken the permission from the Chhattisgarh State Election Commission for issuance of the work order during the time of election and the said permission was
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	provided by the State Election Commission vide letter dated 29/01/2025. Copy of the order dated 29/01/2025 is being filed herewith as Annexure A/3 5. It is respectfully submitted that due to the above circumstances, the respondent PWD Department had left with no other option but to again initiate the process for calling the re-tender of the aforesaid road. It is submitted that in this regard, a letter dated 10/02/2025 has been communicated by the Chief Engineer, PWD, Bastar Zone, Jagdalpur to the Engineer-in-Chief, PWD, Raipur. It is submitted that at present, the model code of conduct is in force due to the local election and therefore, the Engineer-in-Chief, PWD, Raipur has sought permission from the Chhattisgarh State Election Commission with regard to calling for re-tender for construction of the aforesaid road vide letter dated 17/02/2025, copy of which is being filed herewith as Annexure A/4. 6. It is submitted that as soon as the permission is accorded by the Chhattisgarh State Election Commission for calling the re-tender, the necessary orders would be issued for calling the re-tender for construction of the aforesaid road. It is submitted that due to inadvertent and unforeseen circumstances, the tender process could not be finalized and the work order could not be issued. However, it is submitted that the respondent authorities are putting their best efforts for calling the re-tender and to finalize the tender process for construction of the aforesaid road. 7. It is respectfully submitted that the deponent herein as well as the department has the highest regards for the orders passed by this Hon'ble Court. It is submitted that the department as well as the deponent herein are duty bound to comply with the order passed by the Hon'ble Court in its letter and spirit.
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8. That, the contents of this affidavit have been drafted according to my instructions and the contents thereof are true and correct to the best of my personal knowledge and belief, based on the official records.

The learned State counsel has stated that the lowest bidder has not turned up, hence the bid could not be finalized and notice has been given to him, giving 15 days time to show cause why his earnest money deposited be not forfeited. He further submitted that 15 days time granted has already been lapsed but he has not turned up.

Let the matter listed again on 11.03.2025, by which date, fresh affidavit shall be filed the Superintending Engineer, Public Works Department, Circle- Kanker, Dist- North Bastar Kanker (CG) regarding the present status of the matter.

List this Case on 11.03.2025

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice