



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPPIL No. 82 of 2024

Phulsingh Kachlam **Versus** State of Chhattisgarh & Others

Order Sheet

15/04/2025	Proceedings of this matter have been taken through Video Conferencing. Heard Ms. Rajni Soren, learned counsel for the petitioner as well as Mr. Sangharsh Pandey, learned Government Advocate for the State/respondents. Today, the matter is listed for hearing on IA No. 3, which is an application seeking modification of the order dated 11.03.2025 passed by this Court. It is submitted by Mr. Sangharsh Pandey, learned Government Advocate appearing for the State/respondents that on the last date of hearing i.e. on 11.03.2025, this Court had directed the Superintending Engineer, Public Works Department, to file his personal affidavit, however, inadvertently, the same has been typed as 'Superintending of Police' by the concerned

Stenographer, which needs to be rectified, though the Superintending Engineer, Public Works Department, Circle Kanker, has duly filed his affidavit in compliance of the order dated 11.03.2025.

Learned counsel for the petitioner concurs with the submission made by learned State counsel.

In view of the above, the order dated 11.03.2025 is modified to the extent that in the last paragraph, the words appearing 'Superintending of Police' be read as 'Superintending Engineer, Public Works Department'.

Accordingly, IA No. 3, stands disposed of.

The relevant portion of the affidavit filed by the Superintending Engineer, Public Works Department, Kanker Circle, reads as under:

"3. It is respectfully submitted that earlier E-procurement tender notice dated 25.02.2025 (second call) was issued by the Public Works Department calling for the re-tender for construction and strengthening of (Palli Chhote-Dongarh Orchha Road from KM 1 to KM 12). It is submitted that pursuant to the re-tender dated 25.02.2025, three bidders participated in the tender namely Kanhaiya Lal Agarwal, Surface Engineering Pvt. Ltd. and M/s Constructions. It is submitted that; all the three bidders technically qualified the tender. It is submitted that the financial bid was opened on 27.03.2025, wherein Kanhaiya Lal Agrwal has been found to be the lowest bidder L1. Copy of the financial bid comparison document is being filed and annexed herewith as

ANNEXURE A-7 for the kind reference of this Hon'ble Court. It is submitted that the lowest bidder namely Kanhaiya Lal Agrawal has submitted bid for 8.22% above SOR (Schedule Of Rates). Herein, it would be pertinent to mention that in the first call of the tender, one M/s Shiromani Mathur was selected as the lowest bidder who submitted the bid for 11.50% below the SOR (Schedule of Rates).

4. It is submitted that the Superintending Engineer, Public Works Department, Kanker Circle has communicated a letter dated 03.04.2025 to the Chief Engineer, Public Works Department, Bastar Zone, Jagdalpur requesting for administrative approval of the lowest rate (i.e. 8.22% above SOR). Copy of the letter dated 03.04.2025 is annexed herewith as ANNEXURE A-8 for the kind reference of this Hon'ble Court.

5. That, it is respectfully submitted that the meeting of the tender committee took place on 07.04.2025, with respect to the administrative approval of the lowest bid which is pending before the State Government/Tender Committee.

A copy of the letter dated 04.04.2025 is being filed an annexed herewith as ANNEXURE A-9 for the kind reference of this Hon'ble Court.

6. It is respectfully submitted that the State Government/Tender Committee, is the final decision making authority for finalizing the tender rates. It is submitted that as soon as the administrative approval of the tender rate is granted, the respondent authorities will proceed to finalize the tender and thereafter to issue the work order. It is submitted that the respondent authorities are trying their level best to finalize the tender in accordance with law..”

It is submitted by Mr. Pandey that the State Government/Tender Committee, is the final decision making authority for finalizing the tender rates and as soon as the administrative approval of the tender rate is granted, the respondent authorities would proceed to finalize the tender and

thereafter issue the work order regarding which the authorities are trying their level best for finalizing the tender.

In view of the above, we hope and trust that the authorities of the State would finalise the tender rate at the earliest at their end and approve the tender in accordance with law and pass appropriate orders, within a period of three weeks.

The Superintending Engineer concerned shall file his fresh affidavit informing this Court with respect to the status of finalization of the tender rates and issuance of work order.

Let the matter be listed for further monitoring on **07th May, 2025**.

Sd/-
(Arvind Kumar Verma)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE