

Singh Electrical and Constructions Vs. State of Jharkhand and ors.

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SooperKanoon Citation : sooperkanoon.com/515235

Court : Jharkhand

Decided On : Feb-07-2003

Reported in : AIR2004Jhar13; 2005(1)CTLJ110(Jhar); [2003(1)JCR635(Jhr)]

Judge : S.J. Mukhopadhaya, J.

Acts : Contract Law

Appeal No. : Writ Petition (C) No. 6718 of 2002

Appellant : Singh Electrical and Constructions

Respondent : State of Jharkhand and ors.

Advocate for Def. : M.K. Laik, Sr. S.C.I. and; U. Choudhary, J.C. to Sr. S.C.I.,;

Advocate for Pet/Ap. : R. Krishna and; P. Vidyarthi, Advs.

Disposition : Petition dismissed

Judgement :

ORDER

S.J. Mukhopadhaya, J.

1. The writ petition has been preferred by the petitioner for quashing the allotment of work order for Group COP-2 and CSR-2 made in favour of 4th and 5th Respondents respectively pursuant to Notice Inviting Tender No. 10/ 2000-03

published in the newspaper 'Prab-hat Khabar'.

2. According to the petitioner, it has submitted tender paper for CSR-2 for 95 nos. of Drill Tubewells in the district of Chas for a value of Rs. 25.308 lacs. It has also submitted a separate tender for COP-2 for construction of same nature of work for a sum of Rs. 21.312 lacs. It fulfils all the requirements and conditions as per notice.

3. The main grievance of the petitioner is that the tender was not opened on 14th November, 2002, the date as fixed. It could come to know on 26th November, 2002 that the works in question, have been allotted in favour of 4th and 5th Respondents respectively.

4. The Respondents on their appearance, have disputed the aforesaid stand taken by the petitioner. It was shown that the tenders were opened on 14th November, 2002 itself, which was the date fixed for it.

Further case of the Respondent State is that the petitioner had not submitted any document to suggest that it is the registered owner of Rig machine or is a lease holder of a Rig machine as per Clause (10) of the Notice Inviting Tender. The other defect was that the petitioner had not fulfilled the mandatory conditions to submit labour licence as stipulated under Clause (11) of the Notice Inviting Tender.

5. The counsel for the petitioner submitted that no labour licence can be produced till the work order is issued, but it was opposed by the counsel for the other respondents, who submitted the labour licence before obtaining the work order.

6. It is also evident from the stand taken by the Respondent that more than 60% of the works have already been completed.

7. For the reasons aforesaid, there being no merit, no relief can be granted.

8. The writ petition is, accordingly, dismissed.