

(2008) 01 JH CK 0061
In the Jharkhand High Court

Bachmann Industries Ltd.

APPELLANT

Vs

J.S.E.B. and Others

RESPONDENT

Date of Decision : 30-01-2008

Acts Referred:

Citation : (2008) 2 JCR 435

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.K. Merathia, J.—Heard the parties finally. Petitioner has filed this writ petition for quashing the letter dated 18.8.2006 issued by the Chief Engineer (Generation) by which it is communicated to the petitioner the Central Purchase Committee had cancelled the Notice Inviting Tender (NIT) No. 17/PR/JSEB/0405 invited for installation of flue gas conditioning system at P.T.P.S.

2. It is submitted on behalf of petitioner that petitioner was the lowest bidder in the said NIT. It is further submitted that petitioner has incurred huge expenses in relation to the said NIT but it was cancelled and a second NIT was issued. It is further submitted that even after the second NIT, the respondents are inviting the petitioner for presentation.

3. Mr. J. Dubey, appearing for the respondents, submitted that the respondents had right to cancel and were justified in cancelling the first NIT as petitioner was not agreeable to the terms and conditions. He further submitted that being the lowest tenderer, petitioner did not acquire any right. He further submitted that petitioner did not participate in the second NIT. Negotiations are going on with the parties who have participated in the second NIT. He further submitted, that regarding the letters annexed by the petitioner in the rejoinder asking it to make presentations he is not in a position to say anything in the absence of instruction in this regard. However, he submitted that the said letters will not create any right in favour of the petitioner for considering its case.

4. It appears that as the terms were not settled, the first NIT was ultimately cancelled. Petitioner did not participate in the second NIT. In the circumstances, it is not possible to quash the order cancelling the first NIT and issue direction on the respondents to hold further negotiations with the petitioner with regard to first NIT.

5. Before parting, it is observed that it is not clear as to why even the second NIT issued far back in December 2006 has not been finalized as yet. The respondents are requesting the petitioner for presentation. If the work in question is urgent, they should see that it is done without unnecessary delay and if the work is not urgent, why they should keep the matter hanging causing loss to everybody including themselves.

With these observations and directions this writ petition is dismissed. However, no costs.