

(2022) 11 UK CK 0062

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2895 Of 2022

Maharaj Ji Traders

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

Date of Decision : 21-11-2022

Acts Referred:

Citation : (2022) 11 UK CK 0062

Hon'ble Judges : Vipin Sanghi, CJ;Ramesh Chandra Khulbe, J

Bench : Division Bench

Advocate : Abhishek Verma, Prashant Khanna, S.S. Chauhan, Pankaj Miglani

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

1. The petitioner has preferred the present writ petition to seek the following reliefs:-

"a. Issue a writ of certiorari by way of suitable orders or directions to quash Notification No.63/E-Tender/ P.Pra.Anu./ 20200-22 (Annexure-1 to this writ petition), issued by the respondent No.2.

b. Issue a writ of certiorari by way of suitable orders or directions to quash Notification No.76/E-tender/N.N.R. for procurement of same articles, i.e. 72 watt LED Light Quantity 3500 and Pipe Clamp Quantity 4000, dated 03.11.2022, issued by the respondent No.2.

c. Issue writ/ direction or order directing the respondent No.2 to award the tender in favour of the petitioner."

2. The case of the petitioner is that the petitioner had participated in the tender issued by the respondent, bearing Tender Reference No.29/e-tender/ NNR/2022-23 and Tender ID-2022-MCNR-47044-1, dated 22.07.2022 for procurement of 72 Watt LED Light Quantity 3500 and Pipe Claim Quantity 4000.

The petitioner was adjudged as the lowest bidder. Respondent no.2, then, communicated to the petitioner on 15.09.2022 that the rates quoted by the petitioner were higher than the market rates, and offered that if the petitioner were to supply the LED light with sensor @Rs.3200/- and pipe claim @Rs.500/-, the petitioner's offer would be considered. The petitioner responded on 16.09.2022, not accepting the rates desired by respondent no.2 and offering its own rates, which were higher than the rates desired by respondent no.2.

3. As a consequence of the same, respondent no.2 decided to cancel the tender and issue a fresh tender. The petitioner assails the issuance of the fresh tender as well.

4. The submission of learned counsel for the petitioner is that if the rates quoted by the petitioner in the first tender, which were the lowest, were more than the market rates, respondent no.2 would not have issued the tender afresh for the same item, and the same quantity, with the same sanctioned amount.

5. We do not find merit in this submission. The respondents are bound to explore the possibility of getting the best rates, and they were not bound to accept the rates quoted by the petitioner, either initially while submitting the tender, or the rates offered by the petitioner during negotiations.

6. Mr. Miglani, who appears on advance notice on behalf of respondent no.2, also points out that the petitioner has itself participated in the fresh tender.

7. In our view, the present writ petition is completely misconceived, and the same is, hereby, dismissed.

8. Pending application, if any, also stands disposed of.