
(2019) 08 UK CK 0007

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1687 Of 2019

Satyam Eco Products

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 01-08-2019

Acts Referred:

Citation : (2019) 08 UK CK 0007

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : S.K. Mandal, N.S. Pundir, Dharmendra Barthwal

Final Decision : Disposed Of

Judgement

Sudhanshu Dhulia, J

1. Delay condonation application (CLMA No.10580 of 2019) is allowed. The delay in filing the counter affidavit is hereby condoned. Counter affidavit filed on behalf of respondent nos. 3 and 4 is taken on record.
2. Rejoinder affidavit filed by the petitioner in the Court today to the counter affidavit of respondent nos.3 and 4 is taken on record.
3. The petitioner before this Court is a supplier/trader of plastic material. Under the Government of India Project known as "Swachh Bharat Mission (Gramin)", dustbins have to be provided to each village through its Village Water and Sanitation Committee of Gram Panchayat. In Uttarakhand this mission is being implemented, controlled and supervised through each district unit which is called District Project Management Unit, SWAJAL Project, Udham Singh Nagar. The respondents called applications from the prospective suppliers/traders for swing plastic dustbins having a capacity of 25 liters in a sealed envelope to be given at the office of District Project Management Unit by 06.10.2018. The quotations were opened and thereafter an order was passed on 08.10.2018 by the District Level Committee. The quotations given by the bidders are as follows:-

S.No.

Name

Brand Name

Capacity

Rate

1.

R.C. Enterprises, Lalpur

2.

Anil Enterprises

Polywell

25 Itr

354.00

3.

Y.P. Techno Sales

Aristo

25 Itr

320.96

4.

Khalsa Traders

-

25 Itr

310.34

5.

M/S Rudra Enterprises

Charu Gold

25 Itr

295.00

6.

Satyam Eco Product

Polywell

25 ltr

290.00

7.

Amrit Trades Supplier

Polywell

25 ltr

299.72

8.

Vectus Industries (Precious Brand Solution)

Vectus

25 ltr

325.00/413

9.

S.P. Enterprises

Polywell

-

290.00 + G.S.T.

10.

Allied Enterprises

Aristo

25 ltr

320.00

4. At item no. 1, the quotation of R.C. Enterprises, Lalpur was considered, but since there was no signature of the owner of the firm, this firm was declared non-responsive. For Polywell brand of plastic swing dustbin, four applicants were declared as responsive i.e. Anil Enterprises, Satyam Eco Product, Amrit Trades Supplier and S.P. Enterprises. The lowest rate quoted for this particular brand was 290.00 which was of the present petitioner, yet since all had the similar brand, it was said that Village Panchayat Unit can purchase the dustbins from these suppliers/traders, if it is given at the lowest rate of 290.00.

5. Y.P. Techno Sales has given its rate for Aristo Brand at the rate of 320.96 and the rate of Allied Enterprises was 320.00.

6. The case of the petitioner is that since for Polywell brand he was the lowest supplier and the rest had quoted a price as high as 354, their price has been reduced to 290 which is against the Procurement Rules inasmuch as negotiation, if any, can only be done with L-1 i.e. the present petitioner as his rates were the lowest, whereas in this case, the reduction of the rates for those applicants who had a much higher rate and bringing down to the rate quoted by the petitioner amounts to negotiation, which is not permissible under the law.

7. In the counter affidavit filed by the respondents it has been stated that it is not a normal bid as is being made out by the petitioner. It is a Government of India Project which is being supervised by the District Project Management Unit and only in order to see that sub-standard material is not being supplied to the village bodies, it is under the supervisory powers and had called for the quotations and it was in the interest of the villages that it was said that the lowest quotation of swing plastic dustbins be purchased which is at the lowest quoted price and there is nothing wrong in it.

8. The intention of the respondents may be good, but the fact remains that the petitioner had quoted the lowest rates and hence was liable to be given the work. In case the material of the petitioner was of sub-standard quality, the respondents were always at liberty to have rejected his quotation but this is not being done.

9. However, considering that the matter is highly belated and supply have already been made to 120 villages, out of 350 villages, and now only 250 villages are remaining, no interference is being called for by this Court in the matter at this stage.

10. All the same, the writ petition stands disposed with the direction to the respondents that for the remaining work in order to remove any kind of confusion for the applicants who will respond to the bid, specifications of the plastic swing dustbins must be made, such as, its quality, steadiness and thickness, etc. In other words, all the relevant factors be mentioned because it is not clear from the advertisement that what kind of swing plastic dustbins be supplied by each of the applicant and about its quality, and the wide difference in the rates from 290 to 354 may be for this reason also.

11. Let the process be started by the respondent authorities within a period of one week from today.

12. Let a certified copy of this order be given within a period of twenty-four hours, on payment of usual charges.