
(2018) 08 CHH CK 0252
In the Chhattisgarh High Court
Case No : Writ Petition (C) No. 1629 Of 2018

Sharad Shukla

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 23-08-2018

Acts Referred:

Citation : (2018) 08 CHH CK 0252

Hon'ble Judges : Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench : Division Bench

Advocate : Kshitij Sharma, Y. S. Thakur

Final Decision : Dismissed

Judgement

Ajay Kumar Tripathi, CJ

1. Heard counsel for the parties.
2. Writ application was filed by the petitioner when a Notice Inviting Tender ('NIT') No. 127/TC/18-19 bearing System Tender No. 36788 issued on 31/05/2018 and the conditions laid down therein for deposit of additional performance security became the cause of action for the petitioner to seek relief of striking down the condition of additional performance security clause.
3. Since petitioner is not the successful bidder, therefore, the condition of providing additional performance security is not needed and the successful bidder is not before this Court making any grievance against the so-called onerous conditions. This Court is not willing to answer a hypothetical question of law as an academic exercise.
4. The writ application is dismissed. We leave the question open to be decided in an appropriate proceeding, if occasion so arises.