

प्रह्न सं. [क. 1054]

परिशिष्ट-1

IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR
BEFORE
HON'BLE SHRI JUSTICE ROHIT ARYA
&
HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE
ON THE 12th OF MARCH, 2022
WRIT PETITION No. 25038 of 2021

Between-

RAVIKANT BANSAL, S/O LATE SHRI GIRDIHAR
GOPAL BANSAL AGE 67 YEARS OCCUPATION
CONTRACTOR R/O MAHADJI PARK, LASHKAR,
GWALIOR.

.....PETITIONER

(SHRI S.S. BANSAL, LEARNED COUNSEL FOR THE PETITIONER)

AND

1. STATE OF MADHYA PRADESH THROUGH ITS
PRINCIPAL SECRETARY, DEPARTMENT OF
PUBLIC WORKS, VALLABH BHAWAN, BHOPAL.
2. ENGINEER IN CHIEF, PUBLIC WORKS
DEPARTMENT, NIRMAL BHAWAN, BHOPAL.
3. CHIEF ENGINEER (NORTH), PUBLIC WORKS
DEPARTMENT, THATIPUR, GWALIOR.
4. EXECUTIVE ENGINEER, PUBLIC WORKS
DEPARTMENT, DATLA.
5. M/S K.P. SINGH BHADORIYA, CONTRACTOR,
THATIPUR GWALIOR.

.....RESPONDENTS

(SHRI M/S RAGHUVANSHI, LEARNED ADDITIONAL ADVOCATE
GENERAL FOR RESPONDENTS/STATE)

ORDER

Petitioner, a civil contractor, is before this Court taking exception to the impugned communication, Annexure P-1, whereunder the petitioner has been disqualified for the reason of not uploading the balance-sheet of the year 2020-21 in his tender documents submitted for construction of Dhaura Via Chunaghat to Chouki Magrora N.H. Road Length 11.50 km through NIT No.09/21-22/TC dated 08.10.2021.

From the material on record, it appears that due to inadvertence, the aforesaid reason of disqualification was mentioned in the impugned order.

Shri Raghuvanshi, learned Additional Advocate General, appearing on behalf

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of the respondent State, referring to a communication dated 21.03.2022 addressed to the petitioner, submits that petitioner's tender shall be considered on its own merits, provided he files audited balance sheet of the year 2015-16 in addition to the audited balance-sheets of the period from 2016-17, 2017-18, 2018-19, 2019-2020 already filed. According to him, audited balance sheet of the same period in respect of each tender has been taken into consideration. In no case, the balance sheet of 2020-21 has been taken into consideration. Hence, ensuring equality before law and equal protection of law under Article 14 of the Constitution of India, petitioner's tender shall also be considered on the same touchstone as that of others.

Further repelling the apprehension of the petitioner that the contract has already been awarded to one of the contractors, learned AAG submits that in case upon evaluation of tender, if petitioner is found to be qualified and the lowest, he shall be awarded the contract after cancellation of the contract awarded in favour of respondent No.5.

On such statement made at bar referring to the document discussed above, no further indulgence is warranted in the changed circumstances.

Accordingly, present petition stands disposed of.

In view of the aforesaid, no further orders are necessary on IA.1513/2022.

(ROHIT ARYA)
JUDGE

(MILIND RAMESH PHADKE)
JUDGE

PAWAN
DHAR
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प्रपत्र अ

विधान सभा अतारसकित प्रश्न क्रं 1054 द्वारा श्री राजेन्द्र भारती
प्रश्नोत्तर - ख

स.क्रं.	अनुबंध क्रमांक	पूरक स्वीकृति पत्र क्रमांक एवं दिनांक	पूरक स्वीकृत राशि (लाख में)	व्यय राशि (लाख में)	कार्य का नाम
1	2 22/2021-22	3 मुख्य अभियंता लोक निर्माण विभाग ग्वालियर क्रमांक /सा/401/ कान /71 /20-21/ 7541 दिनांक 17.09.2021	4 49.95	5 33.82	6 भवन अनुरक्षण एवं सड़क मरम्मत कार्य
2	22/2021-22	मुख्य अभियंता लोक निर्माण विभाग ग्वालियर क्रमांक /सा/401/ कान/42 /2022/ 1403 दिनांक 03.03.2022	39.75	39.67	भवन अनुरक्षण एवं सड़क मरम्मत कार्य
3	22/2021-22	मुख्य अभियंता लोक निर्माण विभाग ग्वालियर क्रमांक /सा/401/ कान/71 /2021/ 3683 दिनांक 14.05.2022	49.85	30.59	भवन अनुरक्षण एवं सड़क मरम्मत कार्य
4	22/2021-22	मुख्य अभियंता लोक निर्माण विभाग ग्वालियर क्रमांक /सा/401/ कान/71 /2021/ 5352 दिनांक 04.07.2022	55.82	41.26	भवन अनुरक्षण एवं सड़क मरम्मत कार्य
5	22/2021-22	मुख्य अभियंता लोक निर्माण विभाग ग्वालियर क्रमांक /सा/401/ कान/71 /2021/ 7558 दिनांक 30.08.2022	55.62	0.00	भवन अनुरक्षण एवं सड़क मरम्मत कार्य

मुख्य अभियंता
लोक निर्माण विभाग
ग्वालियर

मुख्य अभियंता
लोक निर्माण विभाग
ग्वालियर

मुख्य अभियंता (यो/ब)
कार्यालय प्रमुख अभियंता
लोक निर्माण विभाग, मोपाल