



2025:CGHC:20769-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2154 of 2025

1 - M/s. A.K. Construction Opp. 6th Floor, 30/602, Ashok Ratan Shankar Nagar, Raipur District Raipur (Cg) Through Its Partner Shri Ajeet Kumar, S/o Shri Balram Singh, Aged About 48 Years, R/o Gram Bihat Ward No.29, Thana Barauni Begusarai, Bihar 851135

2 - Shri Ajeet Kumar S/o Shri Balram Singh Aged About 48 Years Partner M/s A.K. Construction, R/o Gram Bihat Ward No.29, Thana Barauni Begusarai, Bihar 851135

--- Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Its Secretary, Public Health Engineering, Secretariat, Mahanadi Bhawan, Capital Complex, Nawa Raipur, District Raipur Chhattisgarh

2 - The Chief Secretary Govt. Of Chhattisgarh, Secretariat, Mahanadi Complex, Nawa Raipur, District Raipur (Cg)

3 - The Chief Engineer Public Health Engineering, Raipur District Raipur (Cg)

4 - The Executive Engineer (Tender Cell) District Water And Sanitation Mission, Public Health Engineering Division, Koriya (Baikunthpur), District Koriya (Cg)

--- Respondent(s)

WPC No. 2181 of 2025

1 - M/s A.K. Construction Opp. 6th Floor, 30/602, Ashok Ratan Shankar Nagar, Raipur District-Raipur (C.G.) Through Its Partner Shri Ajeet Kumar, S/o Shri Balram Singh, Aged About 48 Years, R/o Gram Bihat Ward No. 29, Thana Barauni Begusarai, Bihar 851135.

2 - Shri Ajeet Kumar S/o Shri Balram Singh Aged About 48 Years Partner M/s A.K. Construction, R/o Gram Bihat Ward No. 29, Thana Barauni Begusarai, Bihar 851135.

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through Its Secretary, Public Health Engineering, Secretariat, Mahandi Bhawan, Capital Complex, Nawa Raipur, District- Raipur, Chhattisgarh.

2 - The Chief Secretary Govt. Of Chhattisgarh, Secretariat, Mahanadi Complex, Nawa Raipur, District- Raipur (C.G.)

3 - The Chief Engineer Public Health Engineering, Raipur, District- Raipur (C.G.)

4 - The Executive Engineer (Tender Cell) District Water And Sanitation Mission, Public Health Engineering Division, Koriya (Baikunthpur), District- Koriya (C.G.)

--- **Respondent(s)**

WPC No. 2162 of 2025

Rupesh Kumar Srivastava S/o Shri Anand Bihari Srivastava Aged About 53 Years Proprietor Of M/s Anand Consultants, Opp. Primary School, Ground Floor, Door No. 4016, Ward No. 51, Suraj Nagar, Labhandih, Raipur C.G. And Resident Of 157- C, Patliputra Colony, Patna (Bihar) 800013.

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through Its Secretary, Public Health Engineering, Secretariat, Mahanadi Bhawan, Capital Complex, Nawa Raipur, District Raipur, Chhattisgarh.

2 - The Chief Secretary Govt. Of Chhattisgarh, Secretariat, Mahanadi Complex, Nawa Raipur, District Raipur Chhattisgarh.

3 - The Chief Engineer Public Health Engineering, Raipur District Raipur Chhattisgarh.

4 - The Executive Engineer (Tender Cell), District Water And Sanitation Mission, Public Health Engineering Division, Surajpur, District Surajpur Chhattisgarh.

--- **Respondent(s)**

WPC No. 2207 of 2025

1 - M/s Sombanshi Enviro Engg. Private Limited J-78, Patel Nagar, 1st And 2nd Floor, Gaziabad (U.P.) Through Its Authorized Person/director Shri Mahipat Singh, S/o Shri Bhagirati Singh.

2 - Shri Mahipat Singh S/o Shri Bhagirati Singh Aged About 52 Years J-78, 2nd Floor, Patel Nagar-1, Gaziabad (U.P.) 201001 Director Of Sombandhi Enviro Engg. Private Limited, J-78, Patel Nagar, 1st And 2nd Floor Gaziabad (U.P.), R/o J-78, Patel Nagar, 2nd Floor, Gaziabad (U.P.)

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through Its Secretary, Public Health Engineering Secretariat, Mahanadi Bhawan, Capital Complex, Nawa Raipur, District Raipur, Chhattisgarh.

2 - The Chief Secretary, Govt. Of Chhattisgarh, Secretariat Mahanadi Complex, Nawa Raipur, District Raipur, Chhattisgarh.

3 - The Chief Engineer, Public Health Engineering, Raipur District Raipur (C.G.)

4 - The Executive Engineer (Tender Cell), District Water And Sanitation Mission, Public Health Engineering Division, Koriya (Baikunthpur), District Koriya (C.G.)

--- **Respondent(s)**

WPC No. 2168 of 2025

1 - M/s A.K. Construction, Opp. 6th Floor, 30/602, Ashok Ratan Shankar Nagar, Raipur District Raipur (C.G.) Through Its Partner Shri Ajeet Kumar, Son Of Shri Balram Singh, Aged About 48 Years, Resident Of Gram Bihat Ward No. 29, Thana Barauni Begusarai, Bihar 851135.

2 - Shri Ajeet Kumar S/o Shri Balram Singh Aged About 48 Years Partner M/s A.K. Construction, Resident Of Gram Bihat Ward No. 29, Thana Barauni Begusarai, Bihar 851135

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through Its Secretary, Public Health Engineering, Secretariat, Mahanadi Bhawan, Capital Complex, Nawa Raipur, District Raipur, Chhattisgarh

2 - The Chief Secretary Govt. Of Chhattisgarh, Secretariat, Mahanadi Complex, Nawa Raipur, District Raipur (C.G.)

3 - The Chief Engineer Public Health Engineering, Raipur District Raipur (C.G.)

4 - The Executive Engineer (Tender Cell) District Water And Sanitation Mission, Public Health Engineering Division, Koriya (Baikunthpur), District Koriya (C.G.)

--- **Respondent(s)**

WPC No. 2155 of 2025

Vivek Yadav S/o Shri Rajendra Yadav Aged About 39 Years Resident Of Vardhman Nagar, B, Heerapur, Ajmer Road, Jaipur, Distt. Jaipur Rajasthan

302019 Proprietor Of M/s Shree Ganpati Construction, A Proprietary Concern,
Lig-524, Sector 5 Housing Board Saddu, Raipur District Raipur (C.G.) And
Resident Of Vardhman Nagar B, Heerapur, Ajmer Road, Jaipur, District Jaipur
(Rajasthan)

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Its Secretary, Public Health Engineering,
Secretariat, Mahanadi Bhawan, Capital Complex, Nawa Raipur, District
Raipur, Chhattisgarh

2 - The Chief Secretary Govt. Of Chhattisgarh, Secretariat, Mahanadi
Complex, Nawa Raipur, District Raipur (C.G.)

3 - The Chief Engineer Public Health Engineering, Raipur District Raipur (C.G.)

4 - The Executive Engineer (Tender Cell), District Water And Sanitation
Mission, Public Health Engineering Division, Koriya (Baikunthpur), District
Koriya (C.G.)

--- Respondent(s)

For Petitioner(s) : Mr. B.P.Sharma and Mr. M.L.Sakat, Advocates.

For Respondent(s) : Mr. Prafull N Bharat, Advocate General assisted by
Mr. Shashank Thakur, Deputy Advocate General.

Hon'ble Mr. Ramesh Sinha, Chief Justice
Hon'ble Mr. Narendra Kumar Vyas, Judge
Hon'ble Mr. Naresh Kumar Chandravanshi, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

06/05/2025

1. These matters have come up before this Bench on a reference being made by a Division Bench of this High Court under Section 35 of the High Court of Chhattisgarh Rules, 2007 (*for short, the Rules of 2007*)

vide order dated 01.05.2025, whereby the learned Division Bench, while observing that no adjudication was warranted in this batch of petitions on merits as the grievance raised by the petitioners herein stood redressed, and further the petitioners were granted liberty to take recourse to appropriate forum afresh, if so required, the following questions have been referred under Section 35 of the High Court of Chhattisgarh Rules, 2007 (for short, the Rules of 2007) to be answered by a Full Bench, which reads as under:

“(i) whether a show cause notice challenged by a party relating to award or termination of contract / tender concerning Government / Public Undertaking / Local Bodies / Statutory Bodies, would be heard by a Division Bench or by a Single Bench?

And

“(ii) whether it would be appropriate to hear all the matters relating to award or termination of contract/Tender concerning Government / Public Undertaking / Local Bodies / Statutory Bodies, by a Division Bench? “

2. The above reference was required to be made on account of the fact that earlier, the petitions filed by the same petitioners relating to tender / contract were listed before the learned Single Bench and the present cases were listed before the learned Division Bench. On a query being made to the Registry, it was informed that the earlier batch of writ petitions and the present batch of writ petitions both pertain to tender matter, however, in light of the order passed by a co-ordinate Division Bench on 27.09.2016 in WPC No. 2414/2016 (***M/s. Vivek Enterprises v. South Eastern Coalfields Ltd.***) the earlier batch of writ petitions were listed before the learned Single Bench. The relevant portion of the order dated 27.09.2016 reads as under:

“This matter has wrongly been listed before the Division

Bench. This matter does not arise out of tender though it may be related to tender.

Writ petitions relating to Contract/Tender concerning to the Government/Public Undertaking/ Local Bodies/Statutory Bodies are to be listed before the Division Bench. In our opinion, writ petition relating to Contract/Tender would mean that it relates to award, non-award or relating to conditions of tender.

In the present case, the Petitioner challenges the notice wherein it is alleged that it has placed forged document to obtain the tender therefore, show cause notice was given stating that why it should not be black-listed.

Therefore, list the case before the appropriate Single Bench on 03.10.2016.”

3. Earlier, Rule 23(1)(iv) of the Rules of 2007, stood as under:

“23. The following matters shall be heard by a Division Bench.

(1) Writ Petitions:

xxx xxx xxx

(iv) Relating to Contract/Tender concerning to the Government / Public Undertaking / Local Bodies / Statutory Bodies.

xxx xxx xxx”

4. The aforesaid rule was substituted vide Notification No. 3250/Rules/2017 dated 04.04.2017 and at present, the same stands as under:

“23. The following matters shall be heard by a Division Bench.

(1) Writ Petitions:

xxx xxx xxx

(iv) Relating to award or termination of contract / tender concerning Government / Public Undertaking / Local Bodies / Statutory Bodies.

xxx xxx xxx”

5. The Notification dated 04.04.2017 was issued in light of the order dated 27.09.2016 passed in WPC No. 2414/2016.
6. On bare perusal of the said order, there appears to be no justifiable reason assigned as to why the challenge raised by the petitioner therein to the show cause notice issued, was to be listed before the Single Bench when the subject matter of the show cause notice was directly related to the contract / tender. In the said case, the show cause notice was with relation to blacklisting of the bidder. It appears that an artificial distinction was tried to be made between the issues which had a direct bearing with the contract/tender.
7. Rule 23(1)(iv) of the Rules of 2007, as it stood earlier, was clear and unambiguous that the matters pertaining to Contract / Tender concerning to the Government / Public Undertaking / Local Bodies / Statutory Bodies would be heard by a Division Bench. Rule 23(1)(iv) of the Rules of 2007, as it stands today, has created a situation of confusion with respect to hearing of the matter relating to tender/contract by a particular Bench, whether it be listed before the Division Bench or before the Single Bench. We find no justification in observation made by a Division Bench of this Court in WPC No. 2414/2016 on 27.09.2016.
8. In order to remove the sense of ambiguity with regard to listing of the cases relating to tender/contract either before the Single Bench or the Division Bench, which exists today because of the Notification dated 04.04.2017, we are of the considered opinion that all the matters relating to tender / contract concerning to the Government / Public Undertaking / Local Bodies / Statutory Bodies, should be heard by Division Bench and Rule 23(1)(iv) of the Rules of 2007 as it stood earlier prior to Notification dated 04.04.2017, should prevail.

9. The reference made by the learned Division Bench stands answered accordingly.
10. The Registrar General is directed to take necessary steps, forthwith.

Sd/-
(Naresh Kumar Chandravanshi)
JUDGE

Sd/-
(Narendra Kumar Vyas)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE