

S/L 3
15.10.2026
Court. No. 25
Sourav

WPA 28553 of 2026

**M/s. Chaitali Enterprises
Vs.
Eastern Coalfields Limited & Anr.**

*Mr. Uday Sankar Chattopadhyay
Ms. Bidisha Chakraborty*

...for the petitioner.

Mr. Syed Nurul Arefin

...for the respondents.

1. The petitioner has filed the present writ application challenging the cancellation of the tender process for comprehensive maintenance work for project office, dispensary, base workshop, glasshouse area, andrewyul substation, dragline section, magazine house, coal testing lab and DG shed for a period of two years.
2. The petitioner has participated in the said tender and was declared as L1. Subsequently, by the impugned order dated September 17, 2026, the tender process has been cancelled. In the impugned order, the reason for cancellation has been given that as per original NIT, the stipulated bid submission end date was 24th July, 2026 up to 6.00 p.m. whereas the same was stipulated as 24th July, 2026 at 11.00 a.m. during publication on e-tender portal. In order to compensate the gap of seven hours, a Corrigendum along with the revised NIT was uploaded on the tender portal on 24th July, 2026 at 1.34 p.m. clearly specifying the correct document download end date and bid submission end date as 25th July, 2026 up to 6.00 p.m. i.e., for 24 hours. The corrigendum was made available and accessible to all prospective bidders through the tender portal. Subsequently, the authorities came to know as per Clause 3

of the Guidelines for E-Procurement of Works and Services, 2023, in case of extension of bid submission, the minimum period of extension shall be of ten days. But in the present case, only 24 hours has been given, thus, the authorities were of the view that it is not inconsonance with the rules and accordingly, it has been cancelled.

3. Learned counsel for the petitioner submits that this is the third time the authorities have cancelled the tender process. On the earlier two occasions also the tender was cancelled. He further submits that in the present tender process, altogether six firms have been participated out of which the petitioner was declared as L1. After declaring L1, the respondent authorities in the flimsy ground has cancelled the tender process and as such, he prays for quashing of the impugned notice wherein the tender process has been cancelled and he prays for a direction upon the authorities to proceed with the tender process by awarding the work to the petitioner as the petitioner has been declared as L1.
4. Learned counsel for the petitioner has relied upon a judgment in the case of ***Subodh Kumar Singh Rathour Vs. Chief Executive Officer and Others***, reported in ***(2024) 15 SCC 461*** and submits that though the authorities have the right to cancel but they have to justify the cancellation of the tender process but in the present case, the authorities have not justified the cancellation of the tender process.
5. Per contra, learned counsel appearing for the Eastern Coalfields Limited submits that after the declaration of the petitioner as L1, when the file was processed for awarding

the work to the petitioner, the competent authority found that the extension of time was given only 24 hours instead of 10 days which was in violation of the Guidelines for E-Procurement of Works and Services, 2023. He further submits that in this regard a complaint was also received and during attending the said complaint, the competent authority found that there is a violation of the Rule 3 of the Guidelines and accordingly, the authorities found it fit to cancel the tender process and go for the fresh tender.

6. Learned counsel for the respondents submits that though the petitioner is taking the benefit of cancellation of the earlier two tender process but in the earlier two tender process, the petitioner has not participated. The first tender process was cancelled due to some technical defect in the tender document and the second tender process was cancelled as none of the participating bidder qualified the eligibility criteria of the tender document.
7. Heard the learned counsel for the respective parties. Perused the materials on record and the judgment relied by the petitioner.
8. Admittedly, the petitioner was declared as L1. It is also admitted that the stipulated bid submission time was extended only for 24 hours not for ten days. Clause 3 of the Guidelines for E-Procurement of Works and Services, 2023 provides that in case extension of bid submission, the minimum period of extension shall be ten days.
9. Considering the above, this Court finds that there is no illegality in cancellation of the tender process. Thus, **WPA 28553 of 2026** is dismissed.
10. There shall, however, be no order as to costs.

11. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)