CGHC010438752026 2026:CGHC:46966-DB

AMIT KUMAR DUBEY Digitally signed by AMIT KUMAR DUBEY Date: 2026.11.05 18:40:08 +0530

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5610 of 2026

1-Shri Niwas Roadlines Limited (A Public Limited Company Registered Under The Provisions Of The Companies Act, 2013, C.I.N. U52290ct2026plc019672, Having Its Registered Office At Shop No. G-55, Rama High Street, Kachna, Saddu, Raipur (C.G.) Pin- 492014. Through Its Director Namly Shri Ankit Bangur, S/o. Prem Narayan Bangur, Aged About 35 Years, R/o. B-114, L-4, Swarnbhoomi, Vidhan Sabha Road, Amaseoni, Saddu, Raipur (C.G.)

2 - Ankit Bangur S/o Prem Narayan Bangur Aged About 35 Years R/o B- 114, L-4, Swarnbhoomi, Vidhan Sabha Road, Amaseoni, Saddu, Raipur (C.G.)

... Petitioners

versus

1 - State Of Chhattisgarh Through The Secretary, Food, Civil Supplies And Consumer Protection Department, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District- Raipur (C.G.)

2 - Chhattisgarh State Co-Operative Marketing Federation Limited (Markfed) Through Its Managing Director, C.B.D. Commercial Complex, Tower C, 6th Floor, Sector-21, Atal Nagar, Nava Raipur (C.G.) Pin 492002

3 - The Collector-Cum-Chairman District Level Committee (Paddy Transportation), Balodabazar-Bhatapara, District- Balodabazar-Bhatapara (C.G.)

4 - The District Marketing Officer Chhattisgarh State Co-Operative Marketin Federation Limited, Panchsheel Nagar, Near Collectorate Office, Balodabazar, District- Balodabazar-Bhatapara (C.G.) Pin-493332

5 - Government E-Marketplace (Gem) Through Its Chief Executive Officer, 2nd Floor, Jeevan Tara Building, Sansad Marg, New Delhi, Pin- 110001

... Respondents

{Cause title, as taken from Case Information System}

For Petitioners	**:**	Mr. Hari Agrawal, learned Advocate.
For Respondents No. 1,3 & 5	**:**	Mr. Rahul Tamakar, learned Govt. Adv.
For Respondents No. 2 & 4	**:**	Mr. Animesh Tiwari, learned Advocate.

Hon'ble Mr. Krushna Ram Mohapatra, Chief Justice
Hon'ble Mr. Santosh Sharma, Judge

Judgeent on Board

Per : *Krushna Ram Mohapatra, Chief Justice*

05.11.2026

1. The petitioners in this writ petition have prayed for the following reliefs :-

> (i) A writ and / or an order in the nature of appropriate writ do issue calling the records from the respondent authorities concerned pertaining to GeM Bid No. GEM/2026/B/8118258, including the proceedings and decision of the District Level Committee regarding technical evaluation, for perusal of this Hon’ble Court, if thinks fit in the facts & circumstances of the case.
>
> (ii) A writ and / or an order in the nature of appropriate writ do issue setting aside the technical disqualification of the bid of Petitioner No. 1 dated 30.10.2026 **(Annexure P-1)**, along with the decision

of the District Level Committee on which it is based.

(iii) A writ and/or an order in the nature of appropriate writ do issue declaring that the Petitioner No. 1, being a Micro Enterprises service provider holding a valid Udyam Registration Certificate, is exempt from depositing EMD under Clause 6.19 of the Additional Terms and Conditions **(Annexure P-3)** and the EMD exemption caluse of the GeM Bid Document **(Annexure P-2)**.

D. A writ and/or an order in the nature of appropriate writ do issue directing the Respondent authorities, particularly the Respondent Nos. 2 to 4, to treat the technical bid of Petitioner No. 1 as qualified and to open and evaluate its financial bid along with those of the other qualified bidders, and directing the Respondent No. 5 to give effect to such direction on the GeM portal.

E. In the alternative, a writ and / or an order in the nature of appropriate writ do issue directing the Respondent Nos. 2 to 4 to decide the representation of the Petitioenr No. 1 dated 30.10.2026 **(Annexure P-7)** by a reasoned and speaking order after affording an opportunity of hearing, and to identify the documents, if any, alleged to be deficient, before proceeding further with the tender.

F. Cost of the proceedings.

G. Any other relief in the discretion of this Hon'ble Court.

2. It is submitted by learned counsel for the petitioners that technical bid of the petitioners -Company was rejected on the ground of non-submission of EMD. It is submitted that the since the petitioners are registered as MSME Unit, no EMD is required to be made by it. He refers to Annexure P/5, 'Udyam Registration Certificate' in support of his case and submits that the said

certificate was filed alongwith the tender documents of the petitioners. Thus, technical bid of the petitioners could not have been rejected for non-submission of the EMD.

3. Learned counsel appearing for respondents No. 2 & 4 submits that Udyam Registration Certificate cannot be equated with MSME certificate. Udyam Registration certificate (Annexure P-5) is a self declaration. He further refers to Annexure P/6 (Page 71) and submits that annual turnover of the petitioners-Company was ₹3,31,78,41,191.73/- for the year 2024-25. Thus, the petitioners-Unit cannot be treated to be a MSME unit, as submitted.

4. At this stage, learned counsel for the petitioners submits that the price bid has already been opened in the meantime and the petitioners -Company could not have been L-1 as per the price quoted by the L-1 bidder. Thus, it appears that consideration of this writ petition would be academic one.

5. In view of the above, no further consideration of the writ petition is necessary and it is accordingly disposed of.

6. It is, however, made clear that this Court has not expressed any opinion on the merits of contentions raised by learned counsel for the parties.

Sd/-
(Santosh Sharma)
Judge

Sd/-
(Krushna Ram Mohapatra)
Chief Justice

Dubey