

ITEM NO.37

COURT NO.5

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.23152/2026

[Arising out of impugned final judgment and order dated 05-02-2026 in WPC No. 412/2026 passed by the High Court of Chhattisgarh at Bilaspur]

CHHATTISGARH MEDICAL SERVICE CORPORATION LTD

Petitioner(s)

VERSUS

NATWAR LAL AGRAWAL & ORS.

Respondent(s)

FOR ADMISSION

IA No. 176554/2026 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS, IA No. 176552/2026 - EXEMPTION FROM FILING O.T.

Date : 10-08-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) : Mr. Anil Kaushik, A.S.G.
Mr. Kaustubh Shukla, AOR
Mr. Vipul Kumar, Adv.
Ms. Pushpanjali Singh, Adv.
Ms. Gursimrat Kaur, Adv.
Ms. Shruti Tripathi, Adv.

For Respondent(s) : Ms. Ankita Sharma, Adv.
Mr. Arjun D. Singh, Adv.
Ms. Ishika Neogi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. The petitioner-Corporation is aggrieved with the impugned judgment of the High Court, more specifically with respect to

the cost imposed of Rs.1 lakh. The 1st respondent had challenged the award of a contract to the 3rd respondent herein by the petitioner-Corporation despite the 1st respondent being L-1. The 1st respondent's bid was 9.9% below the estimated cost while that of the 3rd respondent's was 9.22% below. Despite the 1st respondent being the lowest bidder, he was excluded, was the allegation. This resulted in prejudice to the 1st respondent, direct financial loss to the public exchequer and unjust enrichment to the 3rd respondent, was the contention before the High Court.

2. The impugned order found unsatisfactory the explanation for the rejection of 1st respondent's bid and though in public interest, the award of the contract was not interfered with, the 1st respondent was granted Rs.1 lakh as costs.
3. We heard Mr. Anil Kaushik, learned Senior Counsel appearing for the petitioner and Ms. Ankita Sharma, learned counsel appearing for the respondent-State. However, none appeared for the first respondent despite service of notice.
4. Mr. Anil Kaushik, learned Senior Counsel appearing for the petitioner-Corporation submitted that the 1st respondent's bid was found non-responsive since he failed to submit a clarification, despite a communication having been issued. The communication issued by the Corporation was in the email

address disclosed in the bid documents. The 1st respondent contended that they did not receive the communication and there was another email address used for submitting the tender documents. The High Court erroneously found the procedure adopted to be wrong, holding that the email address in which the communication was sent was neither disclosed by the petitioner for the purpose of submitting the bid documents nor used at any stage of the tender process.

5. We find from the arguments recorded that the learned counsel appearing for respondent No.2 specifically argued that the 1st respondent was directed to furnish clarification regarding non-submission of mandatory details in Annexure A2. A further communication was issued informing the 1st respondent that in the absence of a response, the bid would be found technically non-responsive and ineligible. The email id used by the Corporation was the one provided in the bid documents, strictly in terms of Clause 6 under the Note in the tender conditions.
6. We see from Annexure 1, the tender documents, that Clause 6 specifically provided thus: -
"6. Bidder must submit their phone no. and Email-id along with details address of correspondence."
7. We, hence, find no error having been occasioned by the

Corporation and it was the High Court which failed to notice that the email id, in which the Corporation issued two communications with respect to the clarification and the thrust of cancellation; if no response was made, in the address furnished by the 1st respondent in the bid documents.

8. We hence set aside the impugned judgment of the High Court, specifically deleting the cost imposed on the 1st respondent.
9. The Special Leave Petition stands disposed of with the above directions.
10. Pending application(s), if any, shall also stand disposed of.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)