



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 19th OF DECEMBER, 2025

WRIT PETITION No. 29316 of 2025

M/S S.K. CONSTRUCTION

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Akhil Godha - Advocate for petitioner (appeared through VC).

Shri Anubhav Jain - Government Advocate for respondents/State.

Shri Rohit Jain - Advocate for respondent no.9.

ORDER

Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice

1. Petitioner impugns decision dated 15.07.2025 taken in minutes of meeting of the State Level Technical Committee, whereby the bid of respondent no.10 has been accepted and respondent no.10 has been declared to be the L1 bidder.

2. The contention of the petitioner is that petitioner is the L1 bidder and respondent no.10 had incorrectly quoted the rates and had subsequently qualified its rate which shows that petitioner is the L1 bidder.

3. Respondent no.9 under instructions of respondent nos.1 & 2 had issued a notice inviting tender for interception and diversion of work for tapping Nallah and setup sewage treatment plant and the estimated contract value was Rs.601.00 Lakhs. Three bidders participated in the tender, petitioner, respondent



no.10 and one M/s. Goutam Gouri Constructions Company.

4. The tender document required the bidders to submit their bid in rupees in Lakhs. Respondent no.10 i.e. M/s. Vansh Industries in its bid document mentioned a figure of Rs.595.30, M/s. Goutam Gouri Construction gave a rate of Rs.5,57,54,770/- and petitioner made an offer of Rs.5,54,00,000/-. All the three bidders qualified at the technical stage and were declared technically qualified.

5. When the rate comparison was done, the amount quoted by respondent no.10 was taken as Rs.595.30 and the rate quoted by M/s. Goutam Gouri Construction Company was taken as Rs.5,57,54,770/- and the rate quoted by petitioner was taken as Rs.5,54,00,000/-. Respondent no.10 was shown as L1 bidder having quoted an amount of Rs.595.30. In the impugned decision the State Level Technical Committee has recorded as under:-

"Bid Evaluation Summary is given below:-

S.No.	Name of bidders	Overall Bid (Qualified/Disqualified) as per ULB	Financial Bid	% Above/Below	Remarks of ULB
1.	M/s.Vansh Industries	Qualified	Rs.0.00593 Lakh	99.999% Below	Overall, technically Qualified and Financially Lowest One (L1)
2.	M/s. S.K.Construction	Qualified	Rs.554 Lakh	7.8% Below	Overall, technically Qualified and Financially Lowest Two (L2)
3.	M/s Goutam Gauri Construction	Qualified	Rs.557.54 Lakh	7.2 % Below	Overall, technically Qualified and Financially Lowest three (L3)

"Committee Decision:

The rate of the LI bidder, i.e., M/s Vansh Industries Rs. 0.00593 Lakh i.e., 99.999 % Below, was found /competitively reasonable and is hereby approved in the order of recommendation from the Chief Municipal Officer and Divisional



Superintending / Executive Engineer on the condition that the eligibility documents and blacklisting status of the Bidder shall be verified by Divisional Superintending Engineer/ Executive Engineer prior to the signing of the contract and if there is any discrepancy found or found to be Blacklisted then the contract will be canceled, and the L1 bidder's EMD will be forfeited.

Any amount exceeding the approved sum in CSAP -3B shall be borne by the ULB."

6. The committee has taken the bid of respondent no.10 as 0.00593 Lakhs, the bid of petitioner as Rs.554 Lakhs and M/s. Goutam Gouri Constructions Company as 557.54 Lakhs and has opined that the bid of M/s.Vansh Industries i.e. respondent no.10 is 99.999% below the estimated tender value.

7. We may note that the Vansh Industries on 23.05.2025 had clarified that its bid was not Rs.595.30 but was Rs.595.30 Lakhs. The Superintendent Engineer, Urban Administration and Development, Narmadapuram by its communication dated 09.06.2025 also clarified that the bid submitted by respondent no.10 was not Rs.595.30 but should be treated as Rs.595.30 Lakhs. We may also note that as per the tender document the rates were to be quoted in rupees in Lakhs. Even in counter affidavit filed by the Chief Municipal Officer, it is candidly admitted that respondent no.10 had shown its inability to carry out the work at the rate of Rs.595/-.

8. It is apparent that the rate submitted by respondent no.10 was Rs.595.30 lakh and could not be taken as Rs.595/- only. The estimated contract value was Rs.601.00 Lakhs. It is not possible to accept the contention of the State Government that respondent no.10 had quoted rate of Rs.595/- only and it could not be taken as Rs.595 Lakhs. Clearly if the rate of respondent no.10 has taken as Rs.595 Lakhs, then on a comparison of the rates quoted by the bidders, the



petitioner is the lowest.

9. Consequently, we are of the view that the decision taken by the State Level Technical Committee accepting the rate of respondent no.10 as only Rs.595/- is clearly erroneous. The rate of respondent no.10 has to be taken as Rs.595 Lakhs. The tender inviting authority has to accordingly proceed further with the tender process taking the rate of petitioner as Rs.5,54,00,000/- that of M/s. Goutam Gouri Constructions Company as Rs.5,57,54,770/- and M/s. Vansh Industries as Rs.5,95,30,000/- in accordance with law.

8. The petition is accordingly disposed of in the above terms.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

VPA

(VINAY SARAF)
JUDGE