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WP-34342-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE DWARKA DHISH BANSAL

ON THE 7th OF OCTOBER, 2025

WRIT PETITION No. 34342 of 2025

SHRI VRADRAJ BUILDINDIA PVT.LTD

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Anshuman Singh, Advocate with Shri Rohan Harne, Advocate for petitioner.

Shri Anvesh Shrivastava, Advocate for respondent 3.

Shri Swapnil Ganguly, Dy. Govt. Advocate for respondent-State.
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ORDER

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

Petitioners impugn the tender summary report dated 23.07.2025 whereby the bid submitted by the petitioner has been declared to be non responsive primarily on two grounds. Firstly that requisite information has not been provided in the affidavit and secondly that the petitioner does not satisfy the eligibility criteria in so far as past experience is concerned.

2. Learned counsel for the petitioner submits that in so far as past experience is concerned, petitioner is a private limited company, of which Mr. Atul Singh Parihar, who is one of the three Director was also 50% partner of M/s ABC Associates a partnership firm and wanted to take benefit of the work experience of the said partnership firm.



3. Learned counsel appearing for the respondent submits that the tender has been declared non responsive not only on the ground of lack of experience but also on the ground of not furnishing mandatory requisite information with regard to black listing and as such on that ground alone the petition does not have any merit.

4. In so far as non disclosure is concerned, the bidder had to file an affidavit containing a declaration that the bidder is not blacklisted or debarred for participation in tender by the government department/undertaking at the time of the end date of submission of the bid.

5. We note that such a condition is an important condition and enables the principal employer to take a decision as to whether the bidder is to be considered for grant of contract or not. In the affidavit filed by the petitioner along with the bid document, the entire clause 4, which required the said disclosure has been omitted.

6. Petitioner has clearly failed to disclose that the petitioner had not been blacklisted or debarred, such a non disclosure makes the bid non responsive. Merely because, as per the petitioner, petitioner has not been blacklisted and as such the non disclosure is not material is of no consequence for the reason that the principal employer is entitled to know as to the whether the participating bidder has been blacklisted or not and the moment such an information is not furnished the employer has rightly held the bid to be non responsive. The affidavit is also not complete as per the bid document.

7. In so far as the claim of the petitioner for taking benefit of the



experience of the partnership firm of which the Director share holder 50% is partner and thus entitled to the benefit is not being considered by this Court for the reasons that the bid of the petitioner otherwise is non responsive. The ground raised by the petitioner and the objection of the respondent is left open.

8. We find no merit in the petition. The Petition is accordingly dismissed leaving the question as referred above, open.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(DWARKA DHISH BANSAL)
JUDGE

KPS