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WP-44550-2025

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 26th OF NOVEMBER, 2025WRIT PETITION No. 44550 of 2025*M/S SANJAY GRAIN PVT. LTD.**Versus**MADHYA PRADESH STATE CIVIL SUPPLIES CORPORATION LTD.*

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Appearance:

*Shri Rohit Sharma - Advocate for petitioner.**Shri Vivek Ranjan Pandey - Advocate for respondent.**Shri Samdarshi Tiwari, Senior Advocate with Shri Utkarsh Pachori -
Advocate on behalf of proposed intervenors/successful bidders.*
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ORDER

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

1. Petitioner impugns order dated 11.11.2025, whereby the bid of the petitioner has been rejected on the ground that the FRK sample not submitted as per tender norms. Learned counsel for petitioner submits that FRK sample was submitted in accordance with the tender specification on 13.10.2025 along with a covering letter dated 09.10.2025. He submits that despite the FRK samples having been submitted, petitioner was disqualified on that ground.

2. Notice was issue to the respondent. Learned counsel appearing for respondent has taken instructions and filed a preliminary enquiry report



regarding submission of sample of the petitioner. The preliminary enquiry report suggests that sample was duly received in the office of the respondent however, the report states that the office building is a four storied building and the office of the bid inviting authority is on the second and third floor and the sample was delivered at the joint reception of all the floor which is at ground floor and it never reached the tender inviting authority and as such the tender was rejected.

3. Learned counsel for respondent submits that the petitioner has not submitted the FRK sample strictly in accordance with the tender condition and as such the same was rightly rejected. He further submits that the reception counter is only meant for providing information and help to the visitors and is not the reception counter for receipt of any FRK sample.

4. We are unable to accept the contention of learned counsel for respondent for the reason that the notice inviting tender specifically states the address of the respondent as under:-

"MADHYA PRADESH STATE CIVIL SUPPLIES CORPORATION LIMITED.

2nd Floor, Directorate of Social Justice and Disabled Welfare,

Patrakar Colony, Link Road No.3, Bhopal 462016"

5. The tender has been invited by the Managing Director, Milling on 01.10.2025. The FRK sample had to be submitted 48hrs prior to bid submitting date which was 25.10.2025 and the sample had to be submitted on or before 23.10.2025 at 05:00 pm.

6. Petitioner has placed on record the letter dated 09.10.2025 addressed to the Managing Director, Madhya Pradesh State Civil Supplies Corporation Limited (MPSCSCL) 2nd Floor, Directorate of Social Justice



And Disabled Welfare, Partaker Colony, Link Road 3, Bhopal - 462016. The said letter specifically refers to the given tender document and also encloses two FRK samples, the letter also encloses a pay order which was mandated by the tender document.

7. Respondents have placed on record a daily receipt register dated 13.10.2025 which shows the receipt of the letter and two packets. Annexure P/4 bears a receipt of the office of respondent dated 13.10.2025. The receipts dated 13.10.2025 on letter dated 09.10.2025 clearly shows that the respondent have received the two FRK samples pursuant to the bid document. It is an internal arrangement of the respondents as to which officer is authorised to receive the sample or not. For a person submitting a tender or a sample unless otherwise instructed in the bid document, has only to approach the office and tender the samples which the petitioner did. Petitioner was not informed that the sample had to be submitted at particular office in the said building. The petitioner submitted the samples which were duly received and receipt was also acknowledged by the respondent. In case, the samples submitted by the petitioner did not reach the concerned officer, petitioner is not to be blamed since petitioner had submitted the samples well within the stipulated period.

8. In view of the above rejection of the bid of the petitioner on the ground that samples have not been submitted cannot be sustained and is accordingly set aside. The respondent is directed to proceed further with the technical evaluation of the bid of the petitioner in accordance with the tender document. We note that the subject tender is not a tender to award contract to



a sole bidder but is a empanelment tender for supplies for which milling has to commence on 01.12.2025. We are informed that subsequently certain parties have been empanelled. Since this is an empanel contract and millings has to commence from 01.12.2025, for which the bidders have to mobilize their resources in advance, we are not inclined to implead the empanelled parties for the reason that none of them are going to disturb, even if the petitioner is also empanelled.

9. We further note that petitioner had already filed a petition impugning certain tender conditions on the ground that they are unreasonable. The present petition is without prejudice to the challenge made by the petitioner in that petition and the respondents are directed to evaluate the technical bid of the petitioner without being influenced by the pendency of the said petition however, they will have to abide by any order that may be passed in the said petition.

10. We clarify that we have neither considered nor commented on the technical qualification of the petitioner and respondent shall consider the bid of the petitioner strictly in accordance with the tender conditions.

11. Petition is accordingly allowed in the above terms. Since the milling has to commence from 01.12.2025, respondent shall take a decision on the technical qualification of the petitioner within next two days.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE