

**HIGH COURT OF CHHATTISGARH, BILASPUR****Order reserved on 24-04-2018****Order delivered on 25-04-2018****WPPIL No. 21 of 2018**

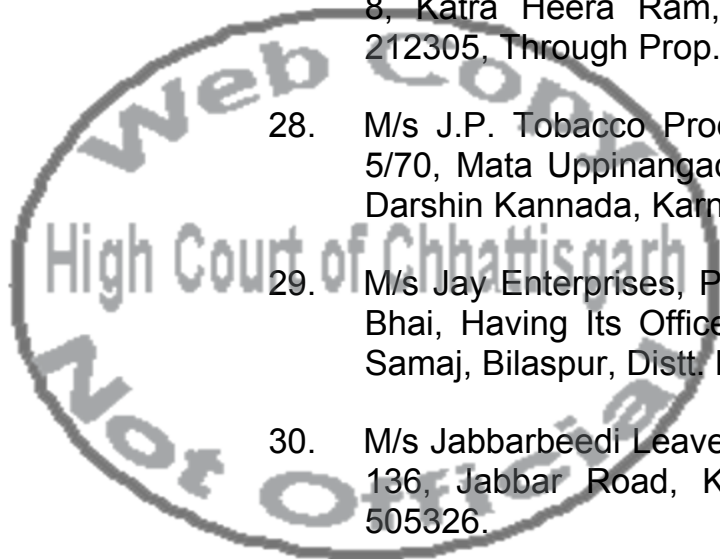
1. Sant Kumar Netam S/o Shri Sarvan Singh Netam Aged About 49 Years R/o Village And Post Uslapur, District Bilaspur Chhattisgrh.

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary , Department Of Forest , Mantralaya Mahanadi Bhavan, New Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh State Minor Forest Produce (Trading And Development) Cooperative Federation Limited , A - 25, V I P Estate Khamardih, Raipur, District Raipur Chhattisgarh Through Its Managing Director.
3. Managing Director, Chhattisgarh State Minor Forest Produce (Trading And Development) Cooperative Federation Limited, A - 25, V I P Estate, Khamardih, Raipur District Raipur Chhattisgarh.
4. Tender Committee, Chhattisgarh State Minor Forest Produce (Trading And Development) Cooperative Federation Limited A - 25, V I P Estate Khamardih , Raipur District Raipur Chhattisgarh.
5. Central Bureau Of Investigation, Through Its Director, Plot No. 5 - B, CGO Complex, Lodhi Road, New Delhi - 110003.
6. M/s A. R. And Company, Having Its Office At H. No. 1, Gandhi Nagar, Gursahaiganj, Dist. Kannauj, Uttar Pradesh. Pin 209722, Through Arshad Jamal Siddiqui, S/o Shri Jamaluddin Siddiqui.
7. M/s A. S. K. Beedi Leaves, Having Its Office At H. No. 44/19, Mission Hospital Road, Bilaspur, Distt. Bilaspur, Chhattisgarh. Pin 495001, Through Prop. Smt. Rubina Altaf, W/o Shri Jahirul Hasan.
8. M/s Aandhi Enterprise, Having Its Office At Sikhar Tower, 3rd Floor, Via Gall No. 4, Fafadh, Near Digamber Jain Mandir, Raipur, Chhattisgarh. Pin 492009 Through Prop. Shri Atishay Jain, S/o Shri Abhoy Kumar Jain.
9. M/s Afaque Traders, Having Its Office At H. No. 44/19, Mission Hospital Road, Bilaspur, Chhattisgarh. Pin 495001, Through Prop. Smt. Hasina Begam, W/o Shri Majharul Haque.

10. M/s Ajay Traders, Having Its Office At H 2, 1st Floor, Ekatma Parisar, Rajbandha Maidan, Raipur, Dist. Raipur, (Chhattisgarh) Pin 492001, Through Prop. Shriajay Agrawal, S/o Shri Shambhu Lal Agrawal.
11. M/s Alaknanda Printers Pvt. Ltd. Having Its Office At Bharath Bagh, Kadri Road, Opp C.V. Nayak Hall, Mangalore, Dakshin Kannada, Karnataka, Bangaluru.
12. M/s Asma Natural Product Private Limited, Having Its Office At H. No. 44/19, Mission Hospital Road, Akbar Khan Ki Chal, Bilaspur, Chhattisgarh. Pin 495001.
13. M/s Asma Traders, Having Its Office At H. No. 19/44, Mission Hospital Road, Idgar Chowk, Bilaspur, Distt. Bilaspur, Chhattisgarh. Pin 495001, Through Prop. Smt. Tarannum Asma, W/o Shri Mohd. Yakoob.
14. M/s Assurance And Co. Having Its Office At H. No. 11-23-1359/A, L.B. Nagar, Near Modern School, Warangal, Distt. Warangal, Andhra Pradesh. Pin 506002.
15. M/s Ayesha Traders, Having Its Office At Near Rani Sati Mandir, Chhapriganj, Kharsia, Distt. Raigarh, Chhattisgarh. Pin 496661 Through Prop. Shri Amol Agrawal, S/o Shri Premchand Agraawal.
16. M/s Bansidhar Trading, Having Its Office At H. No. 44, Salsaladi, Marchwar, Nagar Untari, Distt. Garwha, Jharkhand. Pin 822121.
17. M/s Bharat Kotecha And Sons, Having Its Office At H. No. 9/403, Budhapara, Kotecha Lane, opp. Ve Shukla's House, Raipur, Distt. Raipur, Chhattisgarh. Pin 492001, Through Karta Shri Bharat Kotecha, S/o Late Kantilal Kotecha.
18. M/s Bharath Beedi Works Private Limited, Having Its Office At H. No. 15-7-366/1, Bharath Bagh, Kadri Road, Mangalore, Distt. Dakshin Kannada, Karnataka. Pin 575003.
19. M/s Bhimraj Sunderlal Kiri, Shri Kantilal Kiri, Having Its Office At H. No. 1224, Main Road, Charama, Distt. Kanker, Chhattisgarh. Pin 494337.
20. M/s Chhotabhai Jethabhai Patel And Co. Having Its Office At G.E. Road, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh. Pin 491441.
21. M/s City Centre Mall Nashik Pvt. Ltd. Having Its Office At Plot No. 177 To 133, Lawate Nagar, Untawadi Road, Nashik, Maharashtra. Pin 422002.
22. M/s Dil Pasand Bidi Company, Having Its Office At H. No. 1, Gandhi Nagar, Gursahaiganj, Distt. Kannauj(Uttar Pradesh), Pin 209722, Through Jamaluddin Siddiqui, S/o Natthu Husain Siddiqui.

23. M/s Dinesh Bhai Raojibhai Patel, Prop. Shri Dinesh Bhai Raojibhai Patel, S/o Shri Raojibhai Patel, Having Its Office At H. No. 36/568, Kruti, Oppkundan Palace, Civil Lines Byron Bazar, Raipur, Chhattisgarh. Pin 492001.
24. M/s Gayatri Traders, Having Its Office At Near Axis Bank, Kharsia, Distt. Raigarh, Chhattisgarh. Pin 496661 Through Prop. Shri Naresh Kumar Agrawal, S/o Lt. Hariram Agrawal., Chhattisgarh
25. M/s Girish Kumar Budhadev Huf, Having Its Office At H. No. D 301, Kool Homes, Daldal Seoni Road, Mowa, Raipur, Distt. Raipur, Chhattisgarh. Pin 492007, Through Shri Girish Kumar Budhadev Karta.
26. M/s Himalayan Trading And Co. Having Its Office At Shop No. 6, Neeraj Patel Godown Campus, Near Hanuman Mandir, Raipur Naka, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh. Pin 491441.
27. M/s Insar Ahmad And Co. Having Its Office At H. No. 111, Ward No. 8, Katra Heera Ram, Sirsa, Meja, Distt. Allahabad, U. P. Pin 212305, Through Prop. Shri Insar Ahamed, S/o Shri Mohd. Hanif.
28. M/s J.P. Tobacco Products Pvt. Ltd. Having Its Office At H. No. 5/70, Mata Uppinangady, P.O. Uppinangady, Taluka, Puttur, Distt. Darshin Kannada, Karnataka, Pin 574241.
29. M/s Jay Enterprises, Prop. Shrijayeshbhai Patel, S/o Shri Shanker Bhai, Having Its Office At H. No. 101, Tikara Para, Near Gujrati Samaj, Bilaspur, Distt. Bilaspur, Chhattisgarh. Pin 495004.
30. M/s Jabbarbeedi Leaves Company, Having Its Office At H. No. 5-1-136, Jabbar Road, Koratla, Distt. Karimnagar, Telangana, Pin 505326.
31. M/s Jatindranath Dutta And Sons, Having Its Office At Memari Station Bazar, Memari, Distt. Burdwan, W. B. Pin 713146.
32. M/s Kalpana Natural Forest Products Pvt. Ltd. Having Its Office At H. No. 20/735, Mission Hospital Road, Behind Brilliant Public School, Bilaspur, Chhattisgarh. Pin 495001.
33. M/s Kishori Lal Kanhaiya Lal Saraaf, Having Its Office At H. No. 11, Sadar Road, Kadmni Chowk, Ambikapur, Distt. Surguja, Chhattisgarh. Pin 497001.
34. M/s Kulsum Sels, Having Its Office At H. No. 111, Ward No. 6, Janghari Road, Handia, Dist. Allahabad, Uttar Pradesh. Pin 221503, Through Prop. Smt. Kulsum Bibi, W/o Shri Mohd. Ahamad Ansari,
35. M/s M. A. Muqthar And Company, Having Its Office At H. No. 5-1-136, Tilak Road, Koratla, Distt. Karimnagar, Telangana, Pin 505326.



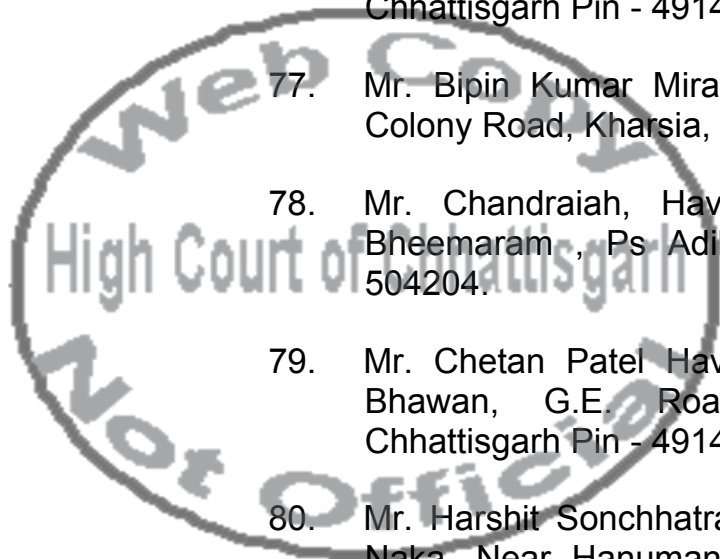
36. M/s Manilal Dayalji, Co. Having Its Office At Gola Bidi Works Sadar Bazar, Dhamtari, Distt. Dhamtari, Chhattisgarh. Pin 493773.
37. M/s Manish Enterprises, Having Its Office At Beside Archana Talkies, Dhabhara Road, Kharsia, Distt. Raigarh, Chhattisgarh. Pin 500089, Through Prop. Shri Manish Kedia, S/o Shri Shankar Lal Kedia.
38. M/s M. M Traders, Having Its Office At H. No. 4-3 265, Friends Colony, Manikonda, Puppalaguda, Hyderabad, Distt. Hyderabad, Telangana, Pin 500089.
39. M/s Mohammad Nooh, Having Its Office At H. No. 44/19, Mission Hospital Road, Akbarkhan Ki Chal, Bilaspur, Distt. Bilaspur, Chhattisgarh. Pin 495001.
40. M/s Mohd. Ashahar Traders, Having Its Office At H. No. 24, Sharif Mansion, Near City Kotwali, Ibrahimpura, Bhopal, Distt. Bhopal, M.P. Pin 462001.
41. M/s Murshidabad Biri Works, Having Its Office At H. No. 810, Kanchantala, Dhuliyani, Distt. Murshidabad, West Bengal, Pin 742202.
42. M/s N. H. Agro, Having Its Office At H. No. 23, Near LIC Office, Mahamaya Road, Ambikapur, Distt. Sarguja, Chhattisgarh. Pin 4970010.
43. M/s New Balaji Traders, Having Its Office At HIG A/7, Viva Park Phase 3, Brahamapur, Kolkata, Distt. 24 Parganas, West Bengal, Pin 700096, Through Prop. Shri Sanjib Kumar Karmakar, S/o Shri Brajendra Kumar Karmakar.
44. M/s Paras Enterprise, Having Its Office At Shri Krishna Apartment A-202, L. I. C. Colony, Mowa, Raipur, Dist. Raipur, Chhattisgarh. Pin 492007.
45. M/s Parbhudas Kishordas Tobacco Products Pvt. Ltd. Having Its Office At Door No. Knk 3-71/1, 1st Cross Road, Near Capitanio School, Kankanady, Post P.B. No. 557, Mangalore, Karnataka. Pin 575002.
46. M/s Priyanka Enterprises, Having Its Office At Old Sadar Bajar, Raigarh, Distt. Raigarh, Chhattisgarh. Pin 496001, Through Prop. Shri Arun Kumar Agrawal.
47. M/s Radha Kishan Tendu Leaves Co. Having Its Office At Sarla Villa 6th Floor, Flat No. 610, Chakradharnagar Chowk, Raigarh, Distt. Raigarh, Chhattisgarh. Pin 496001, Through Prop. Smt. Kavita Tibrewal.

48. M/s Radhashy Am Tirthabashi Paul, Having Its Office At Cf 125, Salt Lake City, Kolkata, Distt. Kolkata, West Bengal, Pin 742201.
49. M/s Ss Aslam And Co., Having Its Office At H. No. 12-2-825, And 8261d, Mehdipatnam, Decent Function Palace, Hyderabad, Distt. Hyderabad, Telangana, Pin 500028.
50. M/s Sadat Traders, Having Its Office At H. No. 299, Syedwadi, Channapatna, Distt. Ramnagram, Karnataka, Pin 562160, Through Prop. Shri Syed Sadathulla Sakhaff.
51. M/s Saffi Traders, Having Its Office At H. No. 299, Syedwadi, Channapatna, Distt. Ramnagram, Karnataka, Pin 562160, Through Prop. Shri Syed Saffiulla Sakhaff.
52. M/s Saha Brothers Biri Work Pvt Ltd., Having Its Office At, 305, Third Floor, Above ICICI Bank Gore Parisar, Civil Lines, Raipur, District Raipur Chhattisgarh Pin - 492001.
53. M/s Sbw Udyog Ltd., Sbw Udyog Ltd. Having Its Office At, C/o Shri Narayan Agarw Al Bhaiy At Han Road, Surjapur, District Surajpur Chhattisgarh Pin - 499229.
54. M/s Shiv Shakti Enterprises, Having Its Office At, D - 301, Kool Homes, Daldal Seoni, Mowa, Raipur, Dist-Tt. R1 \Wur (Chhattisgarh) Pin - 492007 Through Prop. Smt. Kalpana Budhadev, W/o Shri Shri Girish Budhadev.
55. M/s Shiv Trading Co, Having Its Office At, Vyas Niwas, Opp C M House, Cnil Lines, Near Chhattisgarh Club Sqaure, Raipur, District Raipur Chhattisgarh Pin - 492001 Through Prop. Shri Kiran Vyas, S/o Shri Sandeep Vyas.
56. M/s Shree Prahlad Trading Company, Having Its Office At, Ward No. 27, Building Co. 43 Kailash Nagar, Main Road, Purana Bus Stand Road, Opp. Gautam Medical Store, Rajnandgaon Chhattisgarh Pin - 491441.
57. Mis Shree Santrpm Tendupatta Co., Having Its Office At, Near Bank Of Baroda, Rail Toly, Gondia, District Gondia (Maharashtra) Pin - 441614 Through Prop. Shrinimesh Harishbhai Patel., S/o Shri Harishbhai Patel.
58. M/s Shree Shayam Trading Company, Having Its Office At, H.No. 100, Nehru Park Road, Near Nagar Pallika, Surajpur, District Surajpur Chhattisgarh Pin - 497229 Through Prop. Shri Atam Prakash Agrawal, S/o Shri Dhram Chand Agrawal.
59. M/s Shree Sita Shanta Trading Co., Having Its Office At, Ward No. 27, Building No. 43, Kailash Nagar, Old Bus Stand Road, Opp Gautam Medical Store, Rajnandgaon, District Rajnandgaon Chhattisgarh - 491441.



60. M/s Shri Maruti Traders, Having Its Office At, C/o Shri Kumar Agrawal, Ambikapur Road, Katghora, District Korba Chhattisgarh Pin 495445, Through Prop. Smt. Saroj Agrawal, S/o Late Shri Sadhu Ram Agrawal.
61. M/s Shri Ram Enterprises, Having Its Office At, Near Bank Of India, Kharsia, District Raigarh Chhattisgarh Pin - 496661 Through Prop. Smt. Punita Mirani, W/o Shri Pankaj Mirani.
62. M/s Vijay Traders, Having Its Office At, Vithal Nagar, Gondia, District Gondia (Maharashtra) Pin 441601, Through Satish Kumar J Vadera.
63. M/s Shruti Enterprises, Having Its Office At, Near Bank Of India, Sindhi Colony Road, Kharsia, District Raigarh Chhattisgarh Pin 496661, Through Prop. Shri Pankaj Kumar Mirani, S/o Late Shri Hirabhai Mirani.
64. M/s Siddharth. D. Patel, Having Its Office At, H.No. 36/568 Kruti, Opp. Kundan Palace, Civil Line, Byron Bazar, Raipur, District Raipur Chhattisgarh Pin 492001, Through Prop. Shri Siddhart D Patel, S/o Shri Dinesh Bhai Raoji Bhai Patel.
65. M/s Southern India Bidi Works Pvt. Ltd., Having Its Office At, Mothoshri Krupa Building, Bolwar, Puttur, District Puttur (Karnataka) Pin - 574201.
66. M/s Sri Lakshmi Ganapathi Traders, Having Its Office At, H.No. 12-767, Reddy Colony, Mancherial, District Adilabad (Telangana) Pin - 504208, Through Sandeep Chekuty.
67. M/s Sunrise Traders, Having Its Office At, Chapriganj, Kharsia, District Raigarh Chhattisgarh Pin - 496661, Through Prop. Smt. Seema Bansal, W/o Shri Subhash Chandra.
68. M/s Sandip Enterprises, Having Its Office At, Old High Court Road, Near Bihari Talkies.
69. M/s Saraf Tobacco Company, Having Its Registered Office At Saraf Building, Dackbanglow, Dhuliyani, District Murshidabad (West Bengal) Pin - 742002.
70. M/s Sunita Natural Forest Pro. P. Ltd., Having Its Registered Office At Old High Court Road, Near Bihari Talkies, Bilaspur, District Bilaspur Chhattisgarh Pin - 495001.
71. M/s Tufan Biri Mfg. Co., Having Its Registered Office At Gulab Apartment, 2nd Floor, Phaphadih, Near Digambar Jain Mandir, Raipur, District Raipur Chhattisgarh Pin - 492001 Through Prop. Shri Abhoy Kumar Jain, S/o Shri Kumar Jain.

72. M/s Twaarh Suppliers Pvt. Ltd., Having Its Registered Office At Flat No. A-305, Krishan Vihar, Behind Shiv Mandir, Vidya Nagar, Bilaspur, District Bilaspur Chhattisgarh Pin - 495001.
73. M/s Vadera Enterprises, Having Its Registered Office At Vithal Nagar, Gondia, District Gondia (Maharashtra) Pin - 441614 Through Prashan V. Vadera.
74. M/s Vidarbha Tobacco Products Pvt. Ltd., Having Its Registered Office At Rail Tolly, Gondia, District Gondia, (Maharashtra) Pin - 441614.
75. M/s Vyas And Co. Having Its Registered Office At Viyas Niwas, Opp. C M House Civil Lines, Near Chhattisgarh Club Square, Raipur, District Raipur Chhattisgarh Pin - 492001 Through Prop. Shri Sandeep Vyas, S/o Shri Kamal Kishore Vyas.
76. Mr. Anil Kumar Kotak, Having Its Registered Office At H. No. 545, Near Gayatri Vidya Peeth, Rajnandgaon, District Rajnandgaon, Chhattisgarh Pin - 491441.
77. Mr. Bipin Kumar Mirani, Having Its Registered Office At Sindhi Colony Road, Kharsia, Raigarh Chhattisgarh Pin - 496661.
78. Mr. Chandraiah, Having Its Registered Office At H.No. 32, Bheemaram, Ps Adilabad, District Adilabad (Telangana) Pin - 504204.
79. Mr. Chetan Patel Having Its Registered Office At Near Patidar Bhawan, G.E. Road, Rajnandgaon, District Rajnandgaon Chhattisgarh Pin - 491441.
80. Mr. Harshit Sonchhatra, Having Its Office At Shop No. 6, Raipur Naka, Near Hanuman Mandir, Neeraj Patel, Godown, Campus, Rajnandgaon, District Rajnandgaon Chhattisgarh.
81. Mr. Kodati Bhaskar, Having Its Registered Office At H. No. 9-8, Nizampally, Regonda, Kothapallegori, Warangal, District Warengal (Telangana).
82. Mr. M. Shyamsunder Reddy, Having Its Registered Office At H. No. 2-2-504, New Kishan Pura, Hanamkonda, District Warangal (Telangana).
83. Mr. Mazhar Hussain, Having Its Registered Office At H. No. 2C, Block -A, Ak Residency, Jora Talab Road, Bariatu Behind Lake View Hospital, Ranchi, District Ranchi (Jharkhand).
84. Mr. Mohd. Abdul Aziz, Having Its Office At H. No. 16-127, Mamindla Wada, Huzurabad, Karim Nagar, District Karim Nagar (Telangana).



85. Mr. N. Srinivas, Having Its Office At Mylaram, Ghanapur, District Warangal (Telangana).
86. Mr. Nallani Tirupathi Rao, Having Its Office At Post Mylaram Mdl, Ghanpur, Mylaram, Warangal, District Warangal (Telangana).
87. Mr. Nirmal Chand Jain, Having Its Office At Neelgiri Colony, Rajnandgaon, District Rajnandgaon Chhattisgarh.
88. Mr. Nitin Kumar Agrawal, Having Its Office At H. No. 105, Radheshyam Tower, Near Pragati College, Choubey Colony, Raipur, District Raipur Chhattisgarh.
89. Mr. Pravin Kumar Kotak, Having Its Office At Station Para, Ward No. 8, Rajnandgaon, District Rajnandgaon Chhattisgarh.
90. Mr. Siddharth Gupta, Having Its Office At Near EWS - 156, Bharhut Nagar, Satna, District Satna (M.P.).
91. Mr. Sunil Kumar Agrawal, Having Its Office At Flat No. A -305, Krishan Vihar, Behind Shiv Mandir, Vidya Nagar, Bilaspur, District Bilaspur Chhattisgarh.
92. Mr. Tahir Hussain Siddiqui, Having Its Office At H. No. 1, Gandhi Nagar, Gursahaiganj, District Kannauj (U.P.).
93. Mr. V. Ram Reddy, Having Its Office At H. No. 12-903, Reddy Colony, Behind SBH, Mancherial, District Mancherial (Telangana).
94. Mr. Vinod Kumar Singh, Having Its Office At H. No. 43, Salsaladi, Near Shiv Mandir, Nagar Untari, District Garhwa (Jharkhand).
95. Mr. Moqueet Ahmed, Having Its Office At Ho. No. 89, Implipara, Ambikapur, District Surguja Chhattisgarh.
96. Mr. Surendra Kumar Jaiswal, Having Its Office At Shankar Bhawan, Beside Sharda Gas Services Old High Court Road, Bilaspur, District Bilaspur Chhattisgarh.
97. Mrs. Ch. Bhanumathi Having Its Office At H. No. 4-123, JB Nagar, Mancherial, District Adilabad (Telangana).
98. Mrs. Jaimika Patel, Having Its Office At H.No. 256, Ward No. 27, Kailash Nagar, Rajnandgaon, District Rajnandgaon Chhattisgarh.
99. Mrs. Padma Kodati, Having Its Office At H. No. 9-11, Village Nizampally, Mandal Rengond/ Jai Shankar Bhupalpally (Telangana).
100. Mrs. Pattan Fareeda Begum, Having Its Office At H. No. 20-1503-2, Mansoor Nagar, Kota Mitta, Nellore, District Nellore (Andhra Pradesh).



101. Mrs. Saroja Ch. Having Its Office At H. No. 12-767, Reddy Colony, Mancherial, District Adilabad (Telangana).
102. Mrs. Sushila Bai Agrawal, Having Its Office At Hig C 61, Shailendra Nagar, Near Navkar Nursing Home, Raipur, District Raipur Chhattisgarh.
103. Smt. Surekhaben Ramesh Bhai Patel, Having Its Office At H. No. 256, Ward No. 27, Kailash Nagar, Rajnandgaon, District Rajnandgaon Chhattisgarh.
104. M/s Abdul Aziz Mujahid Beedi Leaves Contractor, Having Its Address At H. No. 1-4-207, Ramnagar, District Nirmal (Telangana), Through Its Sole Proprietor Shri Mohammed Abdul Aziz Mujahid.
105. M/s Ajay Traders, Having Its Address At H-2, 1st Floor, Ekatma Parisar, Rajbandha Maidan, Raipur, District Raipur Chhattisgarh. Through Its Sole Proprietor Shri Ajay Agrawal.
106. M/s Akash Trading Co., Having Its Address At Sikhar Tower, 3rd Floor, Via Gali No. 4, Phaphadih, Near Digamber Jain Mandir, Raipur, District Raipur Chhattisgarh, Through Its Sole Proprietor Smt. Reena Jain.
107. M/s Anaaya Traders Having Its Address At H. No. B-28, Sector - II, Devendra Nagar, Raipur, District Raipur, Chhattisgarh, Through Its Sole Proprietor Smt. Anita Agrawal.
108. M/s Bharath Beedi Works Private Limited, Having Its Address At H. No. 15-7-366/1, Bharathbagh, Kadri Road, Mangalore, District Dakshin Kannada (Karnataka).
109. M/s Chhota Bhai Munnu Bhai And Co., Having Its Address At H. No. 177, Jail Road, Chak Raghunath, Naini, Allahabad (U.P.).
110. M/s Chhote Bhai Jetha Bhai Patel And Co., Having Its Address At G.E. Road, Rajnandgaon, District Rajnandgaon Chhattisgarh.
111. M/s Dayalal Meghji And Co., Having Its Address At D.M. Plaza, 3rd Floor, Fire Brigade Chowk, Chhotapara, Raipur, District Raipur Chhattisgarh.
112. M/s Dayalal Meghji Tobacco Products Pvt. Ltd., Having Its Address At H. No. 11-4-136/3, Bharath Nagar, Opposite Ramadevi Hospital, Siddipet, District Medak (Telangana).
113. M/s Eagal Trading Comapany, Having Its Address At H. No. 6, Sector - II, Vijay Nagar Chowk, Avanti Vihar, Raipur Chhattisgarh.
114. M/s Gayatri Traders, Having Its Address At Near Axis Bank, Kaharsia, District Raigarh Chhattisgarh. Through Its Sole Proprietor Shri Naresh Kumar Agrawal.

115. M/s Jabbar Beedi Leaves Company, Having Its Address At H. No. 5-1-136, Jabbar Road, Koratla, District Karimnagar (Telangana).
116. M/s Kalinga Traders, Having Its Address At H. No. 101, College Street, Near D.N. College, Aurangabad, District Murshidabad (West Bengal), Through Its Sole Proprietor Shri Pradeep Pandey.
117. M/s Kalpana Natural Forest Product Pvt. Ltd., Having Its Address At H. No. 20/735, Mission Hospital Road, Behind Brilliant Public School, Bilaspur, District Bilaspur Chhattisgarh.
118. M/s Khaja Hussain And Co. Having Its Address At H. No. 14-7-35, Nizampura, Charbowli, Warangal, District Warangal, (Telangana).
119. M/s Khwaja Trading Company, Having Its Address At H. No. 426, Danishmandan, Turk Colony, Amroha, District Amroha (U.P.), Through Its Sole Proprietor Shri Askar Hussain.
120. M/s Mangelal Rishi Kumar, Having Its Address At Gulab Kunj, Ganj Bazar, Kharsia, District Raigarh Chhattisgarh, Through Its Sole Proprietor Shri Rishi Agrawal.
121. M/s Manish Enterprises, Having Its Address At Beside Archana Talkies, Dhabhara Road, Kharsia, District Raigarh Chhattisgarh Through Its Sole Proprietor Shri Manish Kedia.
122. M/s Nur Biri Works (p) Ltd., Having Its Address At Dackbunglow, Dhuliyani District Murshidabad (West Bengal).
123. M/s Radhashyam Tirthabashi Paul, Having Its Address At CF-125m Salt Lake City, Kolkata, District Kolkata (West Bengal).
124. M/s Ramdhan Agrawal, Having Its Address At H. No. 23, Ganesh Para, Bagbahra, District Mahasamund Chhattisgarh.
125. M/s S.S. Aslam And Co., Having Its Address At H. No. 12-2-825 And 826/D, Mehdipatnam, Decent Function Palace, Hyderabad, District Hyderabad (Telangana).
126. M/s Sahil Enterprises, Having Its Address At H. No. 1, Khemda, Komakhan, Mahasamund, District Mahasamund, Chhattisgarh Through Its Sole Proprietor Shri Dilip Kumar Sahu.
127. M/s Sai Venkateshwara Traders, Having Its Address At H.No. 15-51/2, Yedapally, District Nizamabad (Telangana), Through Its Sole Proprietor Shri Athmela Srinivas.
128. M/s SBW Udyog Ltd., Having Its Address At SBW Udyog Ltd., C/o Shri Narayan Agrawal, Bhaiyathan Road, Surajpur, District Surajpur Chhattisgarh.

129. M/s Shaina Chand Bidi Company, Having Its Address At Naogawan Sadat, Amroha, District Amroha (U.P.), Through Its Sole Proprietor Shri Chand Alam.
130. M/s Shobha Enterprises, Having Its Address At Beside Archana Talkies Dhabra Road, Kharsia, District Raigarh Chhattisgarh, Through Its Sole Proprietor Shri Mayank Kedia.
131. M/s Shree Jee Marketing, Having Its Address At H. No. 38/1, Main Road, Near Railway Station, Deshbandhu Ward, Gondia, District Gondia, (Maharashtra), Through Its Sole Proprietor Shri Manish Dhirajlal Vadera.
132. M/s Shri Shayam Enterprises, Having Its Address At H. No. 237, Behind Gayatri Mandir, Samta Colony, Raipur, District Raipur Chhattisgarh. through Its Sole Proprietor Shri Pankaj Agrawal.
133. M/s Tirthankar Comotrade Private Ltd., Having Its Address At H. No. 20, Armenian Street, Near Sagar Guest House, Kolkta, District Kolkata (West Bengal), through Its Sole Proprietor Shri Dipak Kumar Jain.
134. M/s Twaarsh Suppliers Pvt. Ltd., Having Its Address At Flat No. A -305, Krishan Vihar, Behind Shiv Mandir, Vidya Nagar, Bilaspur District Bilaspur Chhattisgarh.
135. M/s Vipul Sales Corporation, Having Its Address At Gulab Kunj Ganj Bazar, Kharsia, District Raigarh Chhattisgarh, through its sole Proprietor Shri Vipul Agrawal.
136. M/s Usha Enterprises, Having Its Address At H. No. 38/A, Deshbandhu Ward, Main Road, Near Railway Station, Gondia, District Gondia, through Its Sole Proprietor Smt. Usha Pankaj Vadera.
137. M/s Vidhya Devi Agrawal, Having Its Address at Vabhav Medical Bhaiyathan Road, Surajpur, District Surajpur, Chhattisgarh, through Its Sole Proprietor Smt. Vidya Devi Agrawal.
138. Mr. Arun Prasad, Having Its Address At Checharia, PO and PS Nagar Untari, Nagar Untari, District Garhwa (Jharkhand).
139. Mr. Asarmal Balumal, Having its Address at H.No. 65, Sapan Sangeeta Road, Behind Narsumal Dharamshala, Indore, District Indore (M.P.).
140. Mr. Ahmed Abdul Azeem, Having Its Address At H. No. 8-1-523/55, Brindavan Colony, Toli Chowki, Golconda, Hyderabad, District Hyderabad (Telangana).
141. Mr. C. Venkatram Reddy, Having Its Address At H. No. 4-123, JB Nagar, Mancherial District Mancherial (Telangana).

142. Mr. Chennadi Jagadish, Having Its Address at H. No. 3-12-12/4, Ganesh Nagar, Ramanthapur, Hyderabad, District Rangareddy (Telangana).
143. Mr. Dhruv Kumar Patel, Having Its Address At C/o Desai Brothers, Ltd., G.E. Road, Raipur Naka, Rajnandgaon, District Rajnandgaon Chhattisgarh.
144. Mr. Ismail Ahmed, Having Its Address At H. No. 11-4-634/101/A, Venkataramana Apartments AC Guards, Beside DCP West Zone, Hyderabad, District Hyderabad (Telangana).
145. Mr. Kailash Agrawal, Having Its Address at H.No. 99, Nehru Park Road, Near Nagar Palika, Surajpur, District Surajpur Chhattisgarh, Through Its Sole Proprietor Shri Kailash Agrawal,
146. Mr. Kantilal Pujara, Having Its Address At H. No, 36, Ravindra Avenue, Malda, District Malda (West Bengal).
147. Mr. Keshav Agrawal, Having Its Address At Flat No. A - 305, Krishna Vihar Behind Shiv Mandir, Vidya Mandir, Bilaspur, District Bilaspur Chhattisgarh.
148. Mr. Koralla Raja Reddy, Having Its Address At H. No. 4-150/1, JB Nagar, Opposite Nirmala Nursing Home, Mancherial (Telangana).
149. Mr. Korivi Srinivas, Having Its Address At H. No. 3-8, Dubbak, District Siddi Pet (Telangana).
150. Mr. Meghnath Shrivastava, Having Its Address At F1 3rd Floor, Ekatma Parisar, Rajbandha Maidan, Raipur, District Raipur Chhattisgarh.
151. Mr. Mirza Nazeerulla Baig, Having Its Address At H. No. 5-1-82, Gajulpet, Metpally, Metpally, District Jagtyal (Telangana), Through Its Sole Proprietor Mirza Nazeerulla Baig.
152. Mr. Mohammad Shareefuddin, Having Its Address At H. No. 1-1-160, Nayeem Nagar, Old Bastan, Koratla, District Jagtyal (Telangana), Through Its Sole Proprietor Mohammad Shareefuddin.
153. Mr. Mohammaed Khaled Beedi Leaves Contractor, Having Its Address At H. No. 8-1-402/a/43, Laxman Nagar, Sheik Pet, Golkonda, Hyderabad, District Hyderabad (Telangana), Through its Sole Proprietor Shri Mohammaed Khaled.
154. Mr. Mohd. Simraan Mohd. Salim Akukara, Having Its Address At Gandhi Chowk, Amgaon, District Gondia (Maharashtra).
155. Mr. Mafatlal Amtharam Patel, Having Its Address At Kailash Nagar, Rajnandgaon District Rajnandgaon Chhattisgarh.

156. Mr. Mafatlal Patel, Having Its Address at C/o Desai Brothers Ltd., G.E. Road, Near Raipur Naka, Rajnandgaon, District Rajnandgaon Chhattisgarh.
157. Mr. P. Srikanth Rao, Having Its Address At H. No. B-14, Vikrampuri Colony, Secunderbad, District Hyderabad (Telangana).
158. Mr. Patel Jigneshbhai, C/o Desai Brothers Ltd, G.E. Road, Rajnandgaon, District Rajnandgaon Chhattisgarh.
159. Mr. Pravir Kumar Shah, Having Its Address At H.No. 159, Darogapara, Near Jain Temple, Raigarh, District Raigarh Chhattisgarh, Through Its Sole Proprietor Pravir Kumar Shah.
160. Mr. Ravi P. Somaiya, Having Its Address at Jaswant Apartment, Flat No. 203, Baldev Bagh, Rajnandgaon, District Rajnandgaon Chhattisgarh, through Its Sole Proprietor, Ravi P. Somaiya.
161. Mr. Ritesh Kumar Pujara, Having Its Address At H. No. 36, Ravindra Avenue, Malda, District Malda (West Bengal).
162. Mr. Shikhar Agrawal, Having Its Address At Flat No. A-305, Krishna Vihar, Behind Shiv Mandir, Bilaspur, District Bilaspur Chhattisgarh, through Its Sole Proprietor Shikhar Agrawal.
163. Mr. Shubham Goyal, Having Its Address At H.No. 46, Mayapur, Ambikapur, District Surguja Chhattisgarh.
164. Mr. Solthi Saraiah, Having Its Address At H.No. 4-66/7-2, Pakhal Road, Jaya Laxmi Centre, Narsampet, Warangal, District Warangal (Telangana).
165. Mr. Subhashekar Vanamala, Having Its Address At H. No. 2-2-50, IOP Petrol Bank Back Side, IOC, Koratla, District Jagtyal (Telangana), Through Its Sole Proprietor Shri Subhashekar Vanamala.
166. Mr. Syed Obaidullah Hussain, Having Its Address At H. No. 14-7-117, Nizampura Street, Charbowli, Warangal, District Warangal (Telangana).
167. Mr. Vinod Kumar Jaiswal, Having Its Address At H. No. 30, Ward No. 11, Near Church, Dudhi, District Sonebhadra (U.P.).
168. Mr. Sampathreddy, Having Its Address At H. No. 5-11-601, Vidyaryanpuri, Naimnagar, Hanamkonda, Warangal, District Warangal (Telangana).
169. Mrs. Shameem Ara, Having Its Address At H. No. 9-10-/2, Mulug, Warangal, District Bhopalpally (Telangana).



170. Mrs. Shital Pujara, Having Its Address At H. No. 36, Ravindra Avenue, Malda, District Malda (West Bengal).

---- Respondents

**WPPIL No. 28 of 2018**

1. Amarnath Agrawal S/o Shri Ramavatar Agrawal, Aged About 48 Years R/o Near Ghantaghar, Niharika Korba, District Korba Chhattisgarh.

---- Petitioner

**Versus**

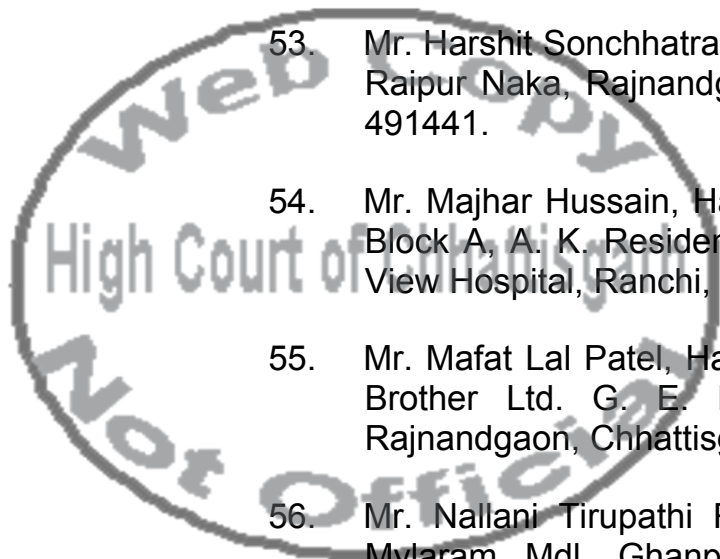
1. State Of Chhattisgarh, Through The Secretary, Department Of Forest, Mantralaya, Mahanadi Bhavan, New Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh State Minor Forest Produce (Trading And Development) Cooperative Federation Limited, A-25, VIP Estate, Khamardih, Raipur, District Raipur (Chhattisgarh), through Its Managing Director.
3. Managing Director, Chhattisgarh State Minor Forest Produce (Trading And Development) Cooperative Federation Limited, A-25, VIP Estate, Khamardih, Raipur, District Raipur Chhattisgarh.
4. Tender Committee, Chhattisgarh State Minor Forest Produce (Trading And Development) Cooperative Federation Limited, A-25, VIP Estate, Khamardih, Raipur, District Raipur Chhattisgarh.
5. Central Bureau Of Investigation, Through Its Director, Plot No. 5-B, CGO Complex, Lodhi Road, New Delhi 110003.
6. Mr. Dhruv Kumar Patel Having It Registered Office At Care Of Desai Brother Ltb. G. E. Road, Raipur Naka, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh. Pin 491441.
7. M/s Sandeep Enterprises, Having Its Address Old High Court Road, Near Bihari Talkies Bilaspur, Tah. And Distt. Bilaspur, Chhattisgarh.
8. M/s A.S.K. Beedi Leaves, Having Its Address H. No. 44/19, Mission Hospital Road, Bilaspur, Distt. Bilaspur, Chhattisgarh. Pin 495001, Through Prop. Smt. Rubina Altaf, W/o Shri Jahirul Hasan.
9. M/s Tufan Biri Mfg. Co., Having Its Registered Office At Gulab Appartment, 2nd Floor, Phaphadih, Near Digambar Jain Mandir, Raipur, Distt. Raipur, Chhattisgarh. Pin 492001, Through Prop. Shri Abhoy Kumar Jain, S/o Shri Kumar Jain.

10. M/s Bharat Kotecha & Sons Having Its Address H. No. 9/403, Budhapara, Kotecha Lane, Opp. Vc Shukla's House, Raipur, Distt. Raipur, Chhattisgarh. Pin 492001, Through Karta Shri Bharat Kotecha S/o Late Kantilal Kotecha.
11. M/s Chhota Bhai Jetha Bhai Patel & Co, Having Its Address G. E. Road, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh. Pin 491441.
12. M/s Shree Prahlad Trading Company Having Its Address Ward No. 27, Building Co. 43, Kailash Nagar, Main Road, Purana Bus Stand Road, Opp. Gautam Medical Store, Rajnandgaon, Chhattisgarh. Pin 491441.
13. M/s Shiv Trading Co., Having Its Address Vyas Niwas, Opp. C M House, Cnil Lines, Near Chhattisgarh Club Square, Raipur, Distt. Raipur, Chhattisgarh. Pin 492001, Through Prop. Shri Kiran Vyas, S/o Shri Sandeep Vyas.
14. M/s Siddharth D. Patel Having Its Address H. No. 36/568, Kruti Opp Kundan Palace, Civil Line Baltan, Bazar, Raipur, Chhattisgarh.
15. M/s Dinesh Bhai Raoji Bhai Patel Having Its Address At H. No. 36/568, Kruti Opp. Kundan Palace, Civil Line, Byron Bazar Raipur, Chhattisgarh. Pin 492001.
16. M/s Ajay Traders Having Its Address H 2 1st Floor, Ekatma Parisar, Rajbandha Maidan, Raipur, Distt. Raipur, Chhattisgarh. Pin 492001, Through Prop. Shriajay Agrawal, S/o Shri Shambhu Lal Agrawal.
17. Mis Shree Santram Tendupatta Co., Having Its Address Near Bank Of Baroda, Rail Toly, Gondia, Distt. Gondia Maharashtra. Pin 441614, Through Prop. Shrinimesh Harishbhai Patel, S/o Shri Harishbhai Patel.
18. M/s Asma Natural Product Private Limited, Having Its Address H. No. 44/19, Mission Hospital Road, Akbar Khan Ki Chal, Bilaspur, Distt. Bilaspur, Chhattisgarh. Pin 495001.
19. M/s J.P. Topacco Products Pvt. Ltd., Having Its Address H. No. 5/70, Mata Uppinangady, P.O. Uppinangady, Having Its Address Taluka Puttur, Distt. Darshin Kannada, Karnataka, Pin 574241.
20. M/s Prabhu Das Kishor Das Tobacco Products Pvt. Ltd., Having Its Address Door No. Knk 3-71/1, 1st Cross Road, Near Capitanio School, Kankanady, Post P.B. No. 557, Mangalore, Karnataka, Pin 575002.
21. M/s Alakhnanda Printers Pvt. Ltd., Having Its Address Bharath Bagh, Kadri Road, Opp. C. V. Nayak, Hall, Mangalore, Dakshin Kannada, Karnataka, Bangaluru.

22. M/s Manilal Dayali Co. Having Its Address, Gola Bidi Works Sadar Bazaar, Dhamtari, Distt. Dhamtari, Chhattisgarh. 493773.
23. M/s Ayesha Traders Having Its Address Near Rani Sati Mandir, Chhaprganj, Kharsia, Distt. Raigarh, Chhattisgarh. Pin 496661, Through Prop. Shri Amol Agrawal, S/o Shri Premchand Agrawal.
24. M/s Saffi Traders, Having Its Address H.No. 299, Syedwadi, Channapatna, Distt. Ramnagram Karnataka. Pin 562160, Through Prop. Shri Syed Saffilla Sakhaff.
25. M/s Kalpana Natural Forest Product Pvt. Ltd. H. No. 20/735, Mission Hospital Road, Behind Brilliant Public School, Bilaspur, Distt. Bilaspur, Chhattisgarh. Pin 495001, District : Bilaspur, Chhattisgarh
26. M/s Radha Kishan Tendu Leaves Co., Having Its Address Sarla Villa 6th Floor, Flat No. 610, Chakradharnagar Chowk, Raigarh, Distt. Raigarh, Chhattisgarh. Pin 496001, Through Prop. Smt. Kavita Tibrewal.
27. Mr. Surendra Kumar Jaiswal Having Its Registered Office At Shankar Bhawan, Beside Sharda Gas Service, Old High Court Road, Bilaspur, Distt. Bilaspur, Chhattisgarh. Pin 495001.
28. M/s Asma Traders, Having Its Address H. No. 19/44, Mission Hospital Road, Idgar Chowk, Bilaspur, Distt. Bilaspur, Chhattisgarh. Pin 495001, Through Prop. Smt. Tarannum Asma, W/o Shri Mohd. Yakoob.
29. M/s Bansidhar Trading Having Its Address H. No. 44, Salsaladi, Marchwar, Nagar Untari, Distt. Garwha, Jharkhand. Pin 82212.
30. M/s Bharath Beedi Works Private Limited, Having Its Address H. No. 15-7-366/1, Bharath Bagh, Kadri Road, Mangalore, Distt. Dakshin Kannada, Karnataka. Pin 575003.
31. M/s Gayatri Traders, Having Its Address Near Axix Bank, Kharsia, Distt. Raigarh, Chhattisgarh Pin 496661, Through Prop. Shri Naresh Kumar Agrawal, S/o Lt. Hariram Agrawal.
32. M/s Girish Kumar Budhadev Huf, Having Its Address H.No. D- 301, Kool Homes, Daldal Seoni Road, Mowa, Raipur, Distt. Raipur, Chhattisgarh. Pin 492007, Through Shri Girish Kumar Budhadev Karta.
33. M/s Insar Ahmad & Co., Having Its Address H. No. 111, Ward No. 8, Katra Heera Ram, Sirsa, Meja, Distt. Allahabad. U. P. Pin 212305, Through Prop. Shri Insar Ahamed, S/o Shri Mohd. Hanif.

34. M/s Jay Enterprises, Having Its Address Prop. Shrijayeshbhai Patel, S/o Shri Shanker Bhai, H. No. 101, Tikara Para, Near Gujrati Samaj, Bilaspur, Distt. Bilaspur, Chhattisgarh. Pin 495004.
35. M/s Jatindranath Dutta & Sons, Having Its Address Memari Station Bazar, Memari, Distt. Burdwan (West Bengal) Pin 713146.
36. M/s Kulsum Sels, Having Its Address House No. 111, Ward No. 6, Janghai Road, Handia, Distt. Allahabad, U. P. 221533.
37. M/s Manish Enterprises, Having Its Address, Beside Archana Talkies, Dhabhara Road, Kharsia, Distt. Raigarh, Chhattisgarh. Pin 496661.
38. M/s Mohd. Ashahar Traders, Having Its Address H. No. 24, Sharif Mansion, Near City Kotwali, Ibrahimपुरa, Bhopal. Distt. Bhopal, M. P. 462001.
39. M/s Paras Enterprise, Having Its Address Shri Krishna Apartment A 202, L.I.C. Colony, Mowa, Raipur, Distt. Raipur, Chhattisgarh, Pin 492007.
40. M/s Priyanka Enterprises, Having Its Address Old Sadar Bajar, Raigarh, Distt. Raigarh, Chhattisgarh. Pin 496001, Through Prop. Shri Arun Kumar Agrawal.
41. M/s Radhashy Am Tirthabashi Paul, Having Its Address Cf 125, Salt Lake City, Kolkata, Distt. Kolkata, West Bengal, Pin 742201.
42. M/s Shiv Shakti Enterprises, Having Its Address D 301, Kool Homes, Daldal Seoni, Mowa, Raipur, Dis-Tt R1\Wur (Chhattisgarh) Pin 492007, Through Prop. Smt. Kalpana Budhadev, W/o Shri Shri Girish Budhadev.
43. M/s Shree Shyam Trading Company, Having Its Address H. No. 100, Nehru Park Road, Near Nagar Pallika, Surajpur, Distt. Surajpur, Chhattisgarh, Pin 497229, Through Prop. Shri Atam Prakash Agrawal, S/o Shri Dhram Chand Agrawal.
44. M/s Shree Ram Interprise, Having Its Address Near Bank Of India, Kharsia, Distt. Raigarh, Chhattisgarh.
45. M/s Shree Vijay Traders, Having Its Address Vithal Nagar Gondia, Maharashtra 441601.
46. M/s Shruti Interprise, Having Its Address Near Bank Of India, Sindhi Colony Road, Kharsia, Distt. Raigarh, Chhattisgarh.
47. M/s Shree Laxmi Ganpati Tredars, Having Its Address H. No. 12-767, Reddi Colony, Mancherial, Distt. Adialabad, Telangana. 544201.

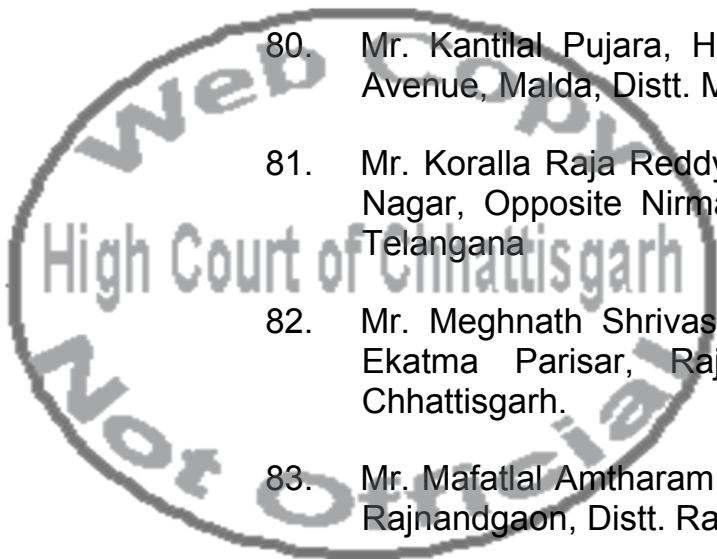
48. M/s Saraf Tobacco Co. Having Its Address Saraf Building Dack Banglow, Dhuliyar, Distt. Mursidabad (W.B.) 742002.
49. M/s Vadera Enterprises, Having Its Registered Office At Vithal Nagar, Gondia, Distt. Gondia, Maharashtra. Pin 441614, Through Prashan V. Vadera.
50. M/s Vidarbha Tobacco Products Pvt. Ltd. Having Its Registered Office At Rail Tolly, Gondia, Distt. Gondia, Maharashtra. Pin 441614.
51. M/s Vyas And Co. Having Its Registered Office At Vyas Niwas, Opp. C. M. House Civil Lines, Near Chhattisgarh Club Square, Raipur, Distt. Raipur, Chhattisgarh. Pin 492001, Through Prop. Shri Sandeep Vyas, S/o Shri Kamal Kishore Vyas.
52. Mr. Bipin Kumar Mirani, Having Its Registered Office At Sindhi Colony Road, Kharsia, Raigarh, Chhattisgarh. Pin 496661.
53. Mr. Harshit Sonchhatra, Having Its Registered Office At Shop No. 6, Raipur Naka, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh. Pin 491441.
54. Mr. Majhar Hussain, Having Its Registered Office At House No. 2c Block A, A. K. Residency, Jora Talab Road, Baraitu, Behind Lake View Hospital, Ranchi, Distt. Ranchi, Jharkhand, Pin 834009.
55. Mr. Mafat Lal Patel, Having Its Registered Office At Care Of Desai Brother Ltd. G. E. Road, Raipur Naka, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh. Pin 491441.
56. Mr. Nallani Tirupathi Rao, Having Its Registered Office At Post Mylaram Mdl, Ghanpur, Mylaram, Warangal, Distt. Warangal, Telangana, Pin 506345.
57. Mr. Nirmal Chand Jain Having Its Registered Office At Neelgiri Colony, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh, Pin 491441.
58. Mr. Nitin Kumar Agrawal, Having Its Registered Office At House No. 105, Radheshyam Tower, Near Pragati College, Choubey Colony, Raipur, Distt. Raipur, Chhattisgarh. Pin 492001.
59. Mr. Patel Jignesh Bhai, Having Its Registered Office At C/O Desai Brother Ltd. G.E. Road, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh. Pin 491441.
60. Mr. Pravir Kumar Shah, Having Its Registered Office At House No. 159, Darogapara, Near Jain Temple, Raigarh, Distt. Raigarh, Chhattisgarh. Pin 496001.





61. Mr. Vinod Kumar Jaiswal, Having Its Registered Office At House No. 30, Ward No. 11, Near Church, Dudhi, Distt. Sonebadhra, Uttar Pradesh Pin 231208.
62. Mr. Moqueet Ahmed, Having Its Registered Office At H. No. 89, Imlipara, Ambikapur, Distt. Surguja, Chhattisgarh Pin 497001.
63. Mrs. Ch. Bhanumati, Having Its Registered Office At H. No. 4-123, J.B. Nagar, Mancheri, Distt. Adilabad, (Telangana) Pin 504208.
64. Mrs. Padma Kodati, Having Its Registered Office At H. No. 9-11, Village Nizampally, Mandal Rengonda, Jai Shankar Bhupalpally Telangana, Pin 506348.
65. Smt. Surekhabenrameshbhai Patel, Having Its Registered Office At H. No. 256, Ward No. 27, Kailash Nagar, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh. Pin 491441.
66. M/s Annaya Traders, Having Its Address At H. No. B 28, Sector II, Devendra Nagar, Raipur, Distt. Raipur, Chhattisgarh, Through Its Sole Proprietor Smt. Anita Agrawal.
67. M/s Chhota Bhai Munnu Bhai And Co. Having Its Address At H. No. 177, Jail Road, Chak Raghunath, Naini, Allahabad, U.P.
68. M/s Chhota Bhai Jetha Bhai Patel And Co. Having Its Address At G.E. Road, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh.
69. M/s Dayalal Meghji And Co., Having Its Address at D. M. Plaza, 3rd Floor, Fire Brigade Chowk, Chhotapara, Raipur, Distt. Raipur, Chhattisgarh.
70. M/s Gayatri Traders, Having Its Address At Near Axis Bank, Kharsia, Distt. Raigarh, Chhattisgarh, Through its Sole Proprietor Shri Naresh Kumar Agrawal.
71. M/s Kalinga Traders, Having Its Address At H. No. 101, College Street Near D. N. College, Aurangabad, Distt. Murshidabad, (West Bengal), Through Its Sole Proprietor Shri Pradeep Pandey.
72. M/s Kalpana Natural Forest Product Pvt. Ltd., Having Its Address At H. No. 20/735, Mission Hospital Road, Behind Brilliant Public School, Bilaspur, Distt. Bilaspur, Chhattisgarh.
73. M/s Radhashyam Tirthabashi Paul, Having Its Address At CF-125, Salt Lake City, Kolkata, Distt. Kolkata, (West Bengal).
74. M/s SBW Udyog Ltd., Having Its Address At SBW Udyog Ltd. C/o Shri Narayan Agrawal, Bhaiyathan Road, Surajpur, District Surajpur, Chhattisgarh.

75. M/s Twaarsh Suppliers Pvt. Ltd. Having Its Address At Flat No. A 305, Krishna Vihar, Behind Shiv Mandir, Vidya Nagar, Bilaspur, Chhattisgarh.
76. M/s Vidhya Devi Agrawal, Having Its Address at Vabhav Medical Bhaiyathan Road, Surajpur, Distt. Surajpur. Chhattisgarh, Through Its Sole Proprietor Smt. Vidya Devi Agrawal.
77. Mr. Asarmal Balumal, Having Its Address At H. No. 65, Sapan Sangeeta Road, Behind Narsumal Dharamshala, Indore, Distt. Indore, M. P.
78. Mr. Ismail Ahmed, Having Its Address At H. No. 11-4-634/101/A, Venkataramana Apartments AC Guards, Beside DCP West Zone, Hyderabad, Distt. Hyderabad, Telangana.
79. Mr. Kailash Agrawal, Having Its Address At H. No. 99, Nehru Park Road, Near Nagar Palika, Surajpur, Distt. Surajpur, Chhattisgarh, Through Its Sole Proprietor Shri Kailash Agrawal.
80. Mr. Kantilal Pujara, Having Its Address At H. No. 36, Ravindra Avenue, Malda, Distt. Malda, West Bengal.
81. Mr. Koralla Raja Reddy, Having Its Address At H. No. 4-150/1, JB Nagar, Opposite Nirmala Nursing Home, Mancherial, Telangana, Telangana.
82. Mr. Meghnath Shrivastava, Having Its Address At F1 3rd Floor, Ekatma Parisar, Rajbandha Maidan, Raipur, Distt. Raipur, Chhattisgarh.
83. Mr. Mafatlal Amtharam Patel, Having Its Address At Kailash Nagar, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh.
84. Mr. Mafatlal Patel, Having Its Address at C/o Desai Brothers Ltd., G.E. Road, Near Raipur Naka, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh.
85. Mr. Pravir Kumar Shah, Having Its Address At H. No. 159, Darogapara, Near Jain Temple, Raigarh, Distt. Raigarh, Chhattisgarh. Through Its Sole Proprietor Pravir Kumar Shah.
86. Mr. Ravi P. Somaiya, Having Its Address At Jaswant Apartment, Flat No. 203, Baldev Bagh, Rajnandgaon, Distt. Rajnanadgoan, Chhattisgarh. Through Its Sole Proprietor Ravi P. Somaiya.
87. Mr. Shikhar Agrawal, Having Its Address At Flat No. A 305, Krishna Vihar, Behind Shiv Mandir, Bilaspur, Distt. Bilaspur, Chhattisgarh. Through Its Sole Proprietor Shikhar Agrawal.
88. Mr. Syed Obaidullah Hussain, Having Its Address At H. No. 14-7-117, Nizampura Street, Charbowli, Warangal, Distt. Warangal, Telangana.



89. Mr. Vinod Kumar Jaiswal, Having Its Address at H. No. 30, Ward No. 11, Near Church, Dudhi, Distt. Sonebhadra. U.P.

---- Respondents

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For Petitioners :

Shri Sunil Otwani, Shri Sudiep Shrivastava & Shri Sanjay Kumar, Advocates.

For Respondent/State :

Shri J.K. Gilda, Advocate General with Shri Manish Nigam, Panel Lawyer.

For Respondent/Federation :

Shri R.N. Singh, Sr. Advocate with Shri A.S. Kachhawaha and Shri Apoorva Kurup, Advocates.

For Respondent/CBI :

Shri Kishore Bhaduri, Advocate.

For respective respondents :

Shri K.A. Ansari, Sr. Advocate, Shri Prateek Sharma, Ms. Sharmila Singhai, Shri Vipin Singh, Shri Devesh Kela, Shri Anup Mazumdar, Shri Basant Dewangan, Shri Pritam Tiwari, Shri Ali Asgar, Shri Akshay Pawar, Shri Abhishek Agrawal, Shri K. Rohan, Shri Parag Kotecha, Shri Sanjay Agrawal, Shri Chandresh Shrivastava and Shri Pawan Kesharwani, Advocates.

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Hon'ble Shri Justice Ram Prasanna Sharma**

**C A V Order**

The following order of the Court was delivered by **Prashant Kumar**

**Mishra, J.**

1. In these two Public Interest Litigations (PILs), the petitioners, claiming themselves to be the public spirited persons, one of them namely; Sant Kumar Netam, being a tribal, have prayed for quashment of the entire tender process of first and second round of sale of tendu patta for the collection year 2018 undertaken by the respondent-Chhattisgarh State Minor Forest Produce (Trading & Development) Cooperative Federation Limited (hereinafter referred to as 'the Federation') and consequently direct for fresh tender. Petitioners have also prayed for a criminal investigation by an independent agency like Central Bureau of Investigation (CBI) in respect of corruption and scam in allotment of lots/units to the successful bidders. Prayer has also been made to direct the respondent State to make good the loss of livelihood likely to be caused to the tribal tendu patta plucking families.

2. Facts of the matter, as projected in the writ petition, are that tendu patta is one of the principal minor forest produce generating revenue for the State and the tribals, as tendu patta is available mainly in tribal dominated areas and the pluckers are mostly tribals. Tendu Patta being a natural resource is a State largesse, which is sold/allotted/ disposed of by the Federation by inviting tenders. According to the petitioner, the revenue earned by sale of tendu patta to bidders is firstly utilized for payment of wages to the pluckers at the rate of Rs.2,500/- per standard bag and, thereafter, out of the profit, 80% is distributed to the plucker families and 5% each to the Federation, the District Union and the Primary Societies. The remaining 5% is used to compensate loss making primary

societies. The amount so paid to the tribals is, thus, their main source of livelihood and most of them are Below Poverty Line (BPL) families, therefore, in case of substantial loss or decrease in the amount of revenue earned by sale of tendu patta, the livelihood of the tribal families is severely affected.

3. For the collection year 2018, the Federation issued the Notice Inviting Tender (hereinafter referred to as 'the e-Tender') on 28-11-2017 for disposal of tendu leaves of 951 lots. The interested bidders submitted their bids via e-mode and in the first round, the bids were received for as many as 650 lots, out of which 549 were approved while the remaining were rejected. The Federation has accepted the bids which are ranging from above (+) 15% to (-) 51% compared to last year's rates and, as such, whopping loss is caused to the Federation, as the accepted bids are shockingly low.
4. According to the petitioner, the tender of first round has caused loss to the tune of Rs.200 crores to the State, which smells of deep rooted corruption on account of cartelization to play fraud on the exchequer and the tribals. The Federation, thereafter, proceeded to invite second round of bids in respect of the remaining 451 lots and again bids have been accepted in the same manner causing further loss to the tune of Rs.81 crores to the exchequer. In this round, the tender committee has approved the bids below up to 51%. In the second round, 153 lots were finalized and 72 were rejected, therefore, now almost 250 lots are remaining for disposal in the third round of tender.



5. The petitioners would state that by virtue of public trust doctrine, the natural resources belong to the people of this country of which the Government is only a trustee, therefore, the State is bound to protect the interest of the exchequer and the tribals. In earlier years, the irregular and arbitrary bids were cancelled in 2007 & 2008 to protect the interest of the tribals, but in this year the Federation has not acted fairly raising serious doubt and suspicion of foul play and corruption on account of cartelizing. Petitioners would further state that in the first round itself the Federation has accepted the bid of a bidder who were as low as 19<sup>th</sup> or 20<sup>th</sup> in terms of bid amount.

6. Petitioners would further plead that the tender process is undertaken by the Federation on the basis of standard terms and conditions which have been prevailing since long. After submission of bids in e-form, the same are opened on-line and the results are placed for finalization of the tender committee of the Federation. As per the recommendation of the committee, the Federation, acting through the Managing Director, issues the final allotment order and a formal contract and agreement called as 'purchaser's agreement' is executed between the Federation and the successful bidder. In the year 2017, the rates quoted by the bidders were on higher side, therefore, it earned enhanced profit to the Federation to be passed on to the tribals as enhanced bonus. Petitioners would also state that collection of tendu patta takes place between April – June of every year, therefore, the Federation floats tender for sale of tendu patta **as advance sale**. In the e-tender itself, it is mentioned that

the lots were to be advertised as many as in three rounds in case the Federation does not receive the satisfactory bids or/and until all lots/units are sold and as a matter of practice, tenders are called for selling the lots even after three rounds and those lots which remained to be sold on completion of the tender process are managed by the Federation.

7. In para 8.31 of WP PIL No.21 of 2018 filed by Sant Kumar Netam, it is pleaded that on-line tender process requires very few days to be completed, the season of tendu leaves is yet to commence from April, therefore, the tenders are required to be cancelled & rejected for inviting fresh tenders to get better rates.

8. On the strength of above pleadings, Shri Sunil Otwani, Shri Sudiep Shrivastava and Shri Sanjay Kumar, learned counsels appearing for the petitioners, would submit that the Federation has accepted bids at a shockingly low price causing whopping loss to the exchequer, which would ultimately affect the earning of the tribals by way of distribution of bonus. They would submit that in the first round itself the Federation has accepted bids of such bidders who are down below up to 19<sup>th</sup> position in the descending order of the value of their bids. The Federation should have called fresh bids after all H-1 bids were either accepted or rejected due to exhaustion of their purchasing capacity. By not inviting bids *de novo* for the remaining lots, which have not been allotted to H-1 bidders, the respondent authority has caused loss to the exchequer and has promoted cartelization of tendu patta traders.

9. Learned counsel would strenuously urge that the officials of the Federation and the concerned Department of the State Government have indulged in corruption of scam proportion which needs to be investigated by the CBI, as it amounts to amassing of illegal wealth, which is punishable under the provisions of the Prevention of Corruption Act. Learned counsel would next argue that under Section 2 (i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 read with Section 3 (1)(c), the tribals have been conferred with the forest rights, therefore, acceptance of bids at an enormously low rate affects the rights of the tribals vitiating the tender process.

10. Learned counsels would refer to the documents (Annexure – P/9 in WP PIL No.21 of 2018) to highlight acceptance of bids as low as 20<sup>th</sup> in the order of bidding price. They have cited the tender process adopted by the State of Madhya Pradesh, which accepts only H-1 bidder.

11. To buttress their contentions, learned counsels for the petitioners would place reliance upon the decisions rendered by the Supreme Court in **State of West Bengal and Others v Committee for Protection of Democratic Rights, West Bengal and Others**<sup>1</sup>, **Narmada Bai v State of Gujarat and others**<sup>2</sup>, **Centre for Public Interest Litigation and others v Union of India and others**<sup>3</sup>, **Natural Resources Allocation, In Re. Special Reference No.1 of**

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1 (2010) 3 SCC 571

2 (2011) 5 SCC 79

3 (2012) 3 SCC 1

2012<sup>4</sup>, **Bhubaneswar Development Authority and another v Adikanda Biswal and others**<sup>5</sup>, **Ram Kishun and others v State of Uttar Pradesh and others**<sup>6</sup>, **Master Marine Services (P) Ltd. v Metcalfe & Hodgkinson (P) Ltd. and Another**<sup>7</sup>, **Institute of Law and others v Neeraj Sharma and others**<sup>8</sup>, decisions rendered by the High Court of Chhattisgarh in **Ajit Pramod Kumar Jogi v High Power Certification Scrutiny Committee and Another**<sup>9</sup>, **M/s Bhawna Enterprises v State of Chhattisgarh & Anr.**<sup>10</sup> and the decision of the High Court of Madhya Pradesh in **Aman Traders v State of M.P. and Another**<sup>11</sup>.

12. Shri J.K. Gilda, learned Advocate General appearing for the State, Shri R.N. Singh, learned senior counsel, Shri A.S. Kachhawaha & Shri Apoorva Kurup, learned counsels appearing for the Federation, would argue, *per contra*, that the petitioners may be the public spirited persons, but the present petitions do not involve any element of public interest. They would submit that the petitions have been preferred with an oblique motive to frustrate the entire tender process, which would benefit none. In the eventuality of the petitions being allowed, at this juncture, the tribals shall suffer loss, as there would be uncertainty in respect of plucking, storing and disposal of tendu leaves. Learned counsels would further submit that the entire e-tendering process for disposal/sale of tendu leaves

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4 (2012) 10 SCC 1

5 (2012) 11 SCC 731

6 (2012) 11 SCC 511

7 (2005) 6 SCC 138

8 2014 AIR SCW 6357

9 WPC 2104 of 2017 (decided on 30-1-2018) (DB)

10 AIR 2007 Chhattisgarh 74

11 2013 (1) MPLJ 699

is time tested and has withstood scrutiny by the High Court on various occasions, therefore, branding the same as arbitrary, improper or irrational process, is entirely misplaced.

13. Shri J.K. Gilda, learned Advocate General appearing for the State and Shri A.S. Kachhawaha, learned counsel appearing for the Federation have taken this Court through the entire tender process to demonstrate the inbuilt fairness through a very rational and logical bidding process. Referring to the history of collection of tendu patta and the corresponding revenue generated for the last so many years, they have tried to demonstrate that the present year is a lean year for the business of tendu patta, therefore, it has not generated desired revenue for which the State or the Federation cannot be blamed. According to them, produce of tendu patta in a particular year and the price which it would fetch in the market is not completely within the control of the State as host of market factors govern such complicated price fixation. They would submit that price fixation of any commodity being a market dependant phenomenon, generation of reduced revenue cannot be a foundation for presumption of any corruption. They would also vehemently submit that there is absolutely no factual foundation set out in the petitions to, *prima facie*, point out any element of corruption. Mere rhetoric and oral submission of corruption is not sufficient to smell corruption and direct an enquiry.
14. To substantiate their contentions, Shri J.K. Gilda, learned Advocate General and Shri R.N. Singh, learned senior counsel would place



reliance upon the decisions rendered by the Supreme Court in **State of Uttar Pradesh and Others v Vijay Bahadur Singh and Others**<sup>12</sup>, **Center for Public Interest Litigation and Another v Union of India and Others**<sup>13</sup>, **Raunaq International Ltd. v I.V.R. Construction Ltd. and Others**<sup>14</sup>, **Union of India v Rajasthan High Court and Others**<sup>15</sup> and the decisions of the High Court of Madhya Pradesh in **Hari Om v State of M.P. and another**<sup>16</sup>, **H.N. Sundresh v State of M.P. and others**<sup>17</sup> and **Mukesh and Co. Tobacco Products (P.) Ltd. v Madhya Pradesh Rajya Laghu Vanopaj (Vyapar Evam Vikas) Sahakari Sangh Limited and others**<sup>18</sup>.

15. Shri Kishore Bhaduri, learned counsel appearing for the CBI, would submit that for the present the CBI has no role to play in the contest between the petitioners and the State or the Federation.

16. Shri K.A. Ansari, learned senior counsel, Shri Prateek Sharma, Ms. Sharmila Singhai, Shri Vipin Singh, Shri Devesh Kela, Shri Anup Mazumdar, Shri Basant Dewangan, Shri Pritam Tiwari, Shri Ali Asgar, Shri Akshay Pawar, Shri Abhishek Agrawal, Shri K. Rohan, Shri Parag Kotecha, Shri Sanjay Agrawal, Shri Chandresh Shrivastava and Shri Pawan Kesharwani, learned counsels appearing for the respective respondents would support the submission raised by the State and the Federation.

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12 (1982) 2 SCC 365

13 (2000) 8 SCC 606

14 (1999) 1 SCC 492

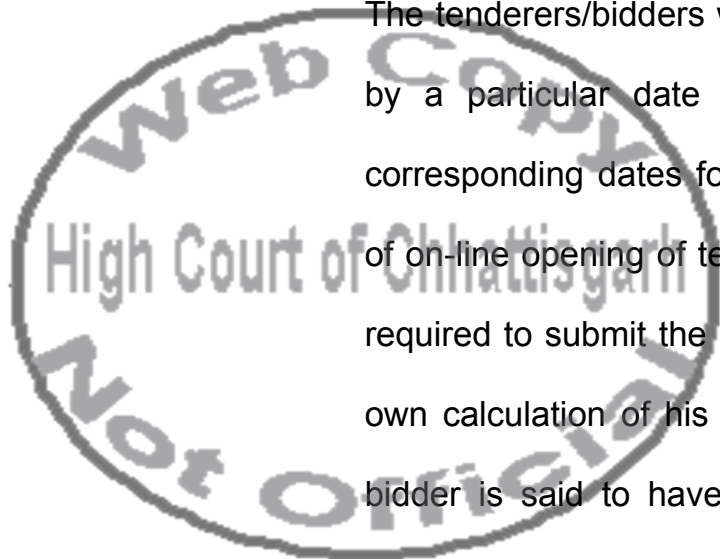
15 (2017) 2 SCC 599

16 1987 SCC Online MP 23 : AIR 1987 MP 212

17 MANU/MP/0422/1989

18 (1990) MPLJ 694

17. To appreciate and dwell on the rival contentions, it would be necessary for us to understand the entire tender process, which is set out infra.
18. It is not in dispute between the parties that the on-line tender process of the Federation for disposal/sale of tendu leaves is invoked since 2013. According to the State, the computerised bidding process started as early as 1989-90. The Federation issued on-line e-tender notice for advance sale of tendu leaves for collection season 2018 on 28-11-2017 for three rounds of bidding. The tenderers/bidders were informed to download the tender notice by a particular date mentioned against the three rounds with corresponding dates for submission of on-line tender and the date of on-line opening of tender for each of the round. The tenderer is required to submit the Earnest Money Deposit (EMD) based on his own calculation of his purchase capacity and bidding capacity. A bidder is said to have purchase capacity upto 12.5 times of the value of the EMD and he can bid upto 10 times of his purchase capacity. If in a particular round the bidder exhausts his purchase capacity upon acceptance of his bid for lot or lots, he is treated to be disqualified for the remaining lots in that round. As soon as the bidder who has bid highest for a particular lot, but is otherwise disqualified due to exhaustion of his bidding capacity, the next bidder in order of preference becomes the highest bidder for the lot where the exhausted bidder is the highest bidder. This method of consideration of a bid in a particular round goes on till the Federation decides to accept the bid upon consideration of the cut



off/upset price. It is this method of acceptance of bid of a bidder, who is placed down below, is the bone of contention between the parties.

19. The above method of tendering is provided in the terms and conditions of the e-tender notice which provides that every tender shall be accompanied by an EMD of a sum which shall in no case be less than 8% of the purchase capacity declared by the tenderer in the tender form as per the details given in the condition No.13(i) and the amount of purchase capacity will be 12.5 times of the EMD and the tender shall be considered on the basis of such accepted purchase capacity. It is further stated that in case of successful tenderer EMD shall in the first instance be adjusted upto the limit of 10% of sale value towards payment of security deposit.

20. Condition No.6 of the e-tender notice provides for manner of filling tender. It says, a tenderer can submit only one tender for the purchase of one/several lots and he shall submit separate offer in his tender form for each lot showing his order of priority for the purchase of the lots. The offer must be made showing rate per standard bag and not in lump sum amount. The tenderer should enter particulars of his first priority lot at the serial number 1, particulars of his second priority lot at serial number 2 of the tender form and so on. The tenderer will not be allowed to change his order of priority shown by him in the tender form under any circumstances. The offers for different lots can be made in such a way that the total purchase price of the lots for which rates are

tendered does not exceed 10 times the amount of purchase capacity, but the offers will be accepted only up to the limit of purchase capacity. If the total purchase price of offers submitted by a tenderer is beyond the limit of 10 times the purchase capacity, then such offers (in the order of priority) as are more than this limit, will not be taken into consideration.

21. Under clause 8 of the tender notice, the Government/Federation has reserved right to fix different cut off levels/upset prices for different lots or class of lots or lots of different areas in deciding allotment of lots to different tenderers.

22. Form No.2 with the e-tender form shows the manner in which the lot priority, purchase rate per standard bag and purchase price is to be quoted. In this form, as soon as the tenderer enters the amount of EMD it automatically generates his purchase capacity and the bidding capacity in the manner indicated in the preceding paragraph.

23. Upon acceptance of the tender, the tenderer is required to pay full purchase price with the tax payable on him in four equal installments on or before 5-10-2018, 22-11-2018, 5-1-2019 and 20-2-2019. A rebate of 2% of purchase price is offered to a tenderer who makes full payment of the purchase price of the lot along with all due taxes upto the due date of 1<sup>st</sup> installment.

24. By the time, the petition (WP PIL 21 of 2018) was preferred in the first week of March, two rounds of tender process were already over

and the third round was in progress. Based on the rate at which tenders have been accepted in the first and second round, the petitioners have highlighted that there is loss of revenue to the State. According to the petitioners, such loss has occurred mainly for the reason that the Federation has not only accepted the highest bid but has also accepted the rate quoted by the next bidder upto the level of 19 or 20. It is this method of acceptance of bid, which has been assailed as arbitrary, irrational amounting to corruption as it has occasioned loss of revenue to the State.

25. Referring to the acceptance of bid of bidder No.20 for Kudumkela Unit (Lot No.621); bidder No.16 for Lotan Unit (Lot No.626); bidder No.14 for Katra, Majhgavan Unit (Lot No.545); bidder No.13 for Girna, Sukhipali Unit (Lot No.463); and bidder No.13 for Tolge Unit (Lot No.634), it is impassionately argued that when the highest bidder has quoted 60-70% higher rates it is beyond comprehension as to why bidders at lower numbers have been considered for acceptance.

26. To justify the acceptance of rate, apart from the bidding process, the State/Federation have placed material before this Court to demonstrate that the market price of tendu leaves has gone down in all the adjoining tendu patta producing States, therefore, there is a pattern of market behavior, which has led to the price fixation of tendu leaves during 2018 season at a lower rate.

27. In course of hearing, the Federation has produced document, copy of which was supplied to the petitioners also, depicting the rise and



fall in percentage of sale of tendu patta in various years in the State of Chhattisgarh. The figures are reproduced hereunder :

Collection year	Average Sale Rate Obtained (In Rs. Per Standard Bag)	Rise or Fall in Percentage w.r.t. Previous Year
2004	787.00	-17.68
2005	906.00	15.12
2006	951.00	4.97
2007	1895.00	99.26
2008	1434.00	-24.33
2009	1748.00	21.90
2010	2170.00	24.14
2011	2619.00	20.69
2012	3772.00	44.02
2013	2461.00	-34.76
2014	2345.00	-4.71
2015	2656.00	13.26
2016	4693.00	76.69
2017	7945.00	69.29
2018	5847.00	-26.41

28. Similarly, comparison of average sale rate of tendu patta in the States of Telangana, Maharashtra, Andhra Pradesh, Madhya Pradesh, Chhattisgarh in the year 2017 and 2018 has been provided by the Federation. The figures provided to the Court are reproduced hereunder :

State	Sale rate in 2017 (Rs. Per standard bag)	Sale rate in 2018 (Rs. Per standard bag)	Fall in rate in 2018 w.r.t. 2017 in %
Telangana	5834	1839	68.48
Maharashtra	4606	2177	52.74
Andhra Pradesh	14871	3858	74.06
Madhya Pradesh	5732	4847	15.44
Chhattisgarh	7945	5847	26.41

29. The respondents have also shown the market condition and total collection of tendu patta in Chhattisgarh from the year 2012 to 2018; which is also reproduced hereunder :

Year	Total no. of bidders in 1 <sup>st</sup> round	Purchase capacity of all bidders in 1 <sup>st</sup> round of tender in Rs. Crores	Actual collection of tendu leaves in lac SB	Total sale value obtained in that year in Rs.Crore	Market Condition
2012	392	1213.14	17.15	646.90	Excellent
2013	149	387.29	14.71	362.13	Slump
2014	104	300.76	14.27	334.75	Slump
2015	161	605.11	13.01	345.50	Improved Market
2016	291	1318.65	13.61	638.89	Excellent
2017	302	2412.92	17.10	1358.65	Outstanding
2018	138	710.92	NA	900*	Slump

30. The above mentioned figures of collection of tendu patta, average sale rate in different States and the percentage of rise and fall with respect to the previous year's collection would unerringly demonstrate that whenever the preceding tendu patta collection year was good or excellent or outstanding year, the following year was a slump year. This happens because due to excellent or bumper crop in the previous year, there is glut or abundance of tendu patta in the market for consumption in that year and the following year, therefore, there is less demand of tendu leaves in the succeeding year resulting in reduction in the sale price on the economic principle of demand, supply and price. This also happens because the traders having purchased tendu patta in abundance in the previous year, their purchase capacity is affected as the amount invested is yet to generate income before the onset of bidding process of the following year, therefore, the bidding price goes

down. The trade of tendu leaves having its own peculiar characteristic, inasmuch as, the plucking has to take place in April, May and early June, before onset of monsoon and the same has to be stacked and stored in the godowns before rains and, as such, neither the bidding process nor sale of tendu leaves can be deferred awaiting the market of rise and generate revenue to the State/Federation's satisfaction.

31. The above discussion on the e-tendering method, the history of collection of tendu leaves in a particular year, the rate in that particular year, and the comparable rates in other tendu patta producing States would show that firstly there is no interference of any individual or extraneous factor in the bidding process, nor there is any possibility to manipulate price of tendu patta in a particular year, which otherwise depends on so many factors including the availability of tendu leaves of previous year, therefore, to say that there is large scale corruption resulting in loss upto Rs.300 crores to the State is only an imagination of the petitioners. In an on-line bidding system any person who is entitled and permitted to bid as per the tender conditions can submit tender sitting anywhere in the country or globally. The process of submission and acceptance of tender is computer generated, once the Federation decides the cut off or upset price. In e-tendering process cartelization is ordinarily not possible. In any case, the petitioners have only raised a plea of cartelization without substantiating as to the name of the persons involved and the manner in which cartelization has been done. The rate of tendu patta in other State would clearly demonstrate that

there is slump in the market, therefore, it is not a case of corruption or cartelization.

32. Learned counsel appearing for both the parties have referred to the synopsis/proposal submitted before the IDC to strengthen their respective submissions. IDC is a high power committee chaired by the Forest Minister, along with 8 other senior officers of the rank of Principal Secretary of Forest, Finance, Commerce & Industry, Tribal Development, Principal Chief Conservator of Forest, Managing Director of the Federation. The documents concerning the proposal for fixation of cut off price for the year 2018 and its acceptance by the IDC would demonstrate that the IDC/Federation has considered the average sale price and average cut off price of the previous year along with the rate of tendu patta in other tendu patta producing States. It nowhere suggests that relevant factors have been ignored and irrelevant or extraneous matters have been considered while fixing the minimum and maximum cut off price. The e-tender document particularly clause 8 (ii) confers right to the Federation to fix different cut off levels/upset prices for different lots or class of lots or lots of different areas in deciding allotment of lots to different tenderers. Thus, fixation of cut off or upset price is a part of tender process made known to all tenderers in the tender document itself and the acceptance of tender has taken place only after the fixation of cut off/up set price.
33. It has been argued by the petitioners that the *Awarodh Moolya* would mean cut off price and not upset price, therefore, no upset

price has been fixed before acceptance of tender, therefore, the entire process is illegal, however, the tender document itself has not provided for any date on which cut off price/upset price would be fixed. Tender document speaks of the cut off/upset price at the same place and the expression is interchangeable in the context of the present tender.

34. It is well known that when the Government disposes/sales a commodity, the object is to achieve better rates, therefore, non-disclosure of cut off price/upset price while selling tendu patta would generate more competition amongst bidders, therefore, non-disclosure of cut off price is not arbitrary.

35. In **Mukesh and Co. Tobacco Products (P.) Ltd.** (supra), the Division Bench of the High Court of Madhya Pradesh, while dealing with the similar tender process and similar challenge, would observe thus at para 6 :

'6...It, therefore, cannot be inferred that merely because a lower offer has been accepted in respect of a given lot, the respondent has committed any illegality because it may as well be that by the time the tenderer's priority in respect of a given lot comes for consideration, his purchasing capacity may either be exhausted or reduced so as to disentitle him to purchase that particular lot. In this process, no fault could be pointed out by the learned counsel for the petitioners. True it is that while working out the aforesaid method in selecting purchasers in respect of different lots, mistakes may be committed and it was not denied by the respondents that some mistakes were committed in process of selecting purchasers and in accepting their offers. It was, however, submitted that those mistakes have been corrected. No better method of ascertaining the best purchaser for a given lot was suggested by either of the petitioners. That being so, the respondents did well to

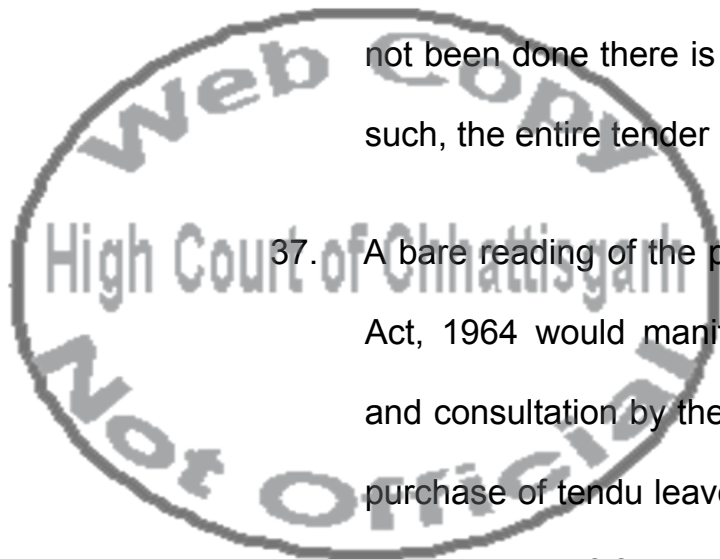


apply the process mentioned above in accepting the offers of the various tenderers in respect of different lots. The criticism levelled by the learned counsel for the petitioners that due weight has not been given to the priorities in selecting purchasers in respect of different lots of Bidi leaves is not sound and must be rejected.

36. Petitioners have also referred to the provisions contained in Sections 5 & 6 of the Chhattisgarh Tendu Patta (Vyapar Viniyaman) Adhiniyam, 1964 (hereinafter referred to as 'the Act, 1964') to argue that the Government should have formed advisory committee and the price at which the tendu leaves are to be sold should have been fixed in consultation with the said committee but the same having not been done there is statutory violation in fixation of price and, as such, the entire tender process should be quashed.

37. A bare reading of the provisions contained in Sections 6 & 7 of the Act, 1964 would manifest that constitution of advisory committee and consultation by the State Government with the committee is for purchase of tendu leaves and not for sale of tendu leaves. There is no question of fixing any price for sale of tendu leaves because effort of the Government is to earn maximum sale price. The trade in tendu leaves including sale or disposal of tendu leaves has been left to be undertaken by the agents to be appointed by the State under the powers conferred under Section 4 of the Act, 1964. The argument with reference to Sections 6 & 7 of the Act, 1964 has no substance and it deserves to be rejected.

38. Invocation of public trust doctrine, fixation of upset price, corruption, etc., by learned counsel for the petitioners, on the strength of



judgments of the Supreme Court in **Committee for Protection of Democratic Rights, West Bengal** (supra), **Narmada Bai** (supra), **Centre for Public Interest Litigation (2012) 3 SCC 1** (supra), **Natural Resources Allocation** (supra), **Bhubaneswar Development Authority** (supra) and **Ram Kishun** (supra), may not detain this Court for the reason that on comparison of rates of tendu patta for 2018 season in different tendu patta producing States, history of the rates in the State of Chhattisgarh for the last more than 10 years, the phenomenon of slump year and bumper year as has been considered in the preceding paragraphs has impressed us to hold that there is no, *prima facie*, evidence of illegal or arbitrary act based on corruption or nefarious design to benefit any particular tenderer. The public trust doctrine can be invoked only when there is proof of misuse of public funds or arbitrary disposal of State largesse on a throwaway price, which is not the case here.

39. The foundation for calling in question the entire tender process is on the allegation of the Federation having accepted lower bids upto level 19 or 20, however, the prevailing e-tendering system for sale of tendu leaves permits such process. The price quoted by the purchaser/bidder is the price which he considers it to be appropriate and suitable to him for various reasons. It also depends on elimination of tenderers due to exhaustion of the bidding capacity. If a bidder is not fit for consideration as it has exhausted its capacity the price fixation depends on the rates quoted by the bidders who is next in line. Such method of bidding has been found valid by the



Division Bench of the High Court of Madhya Pradesh in **Mukesh and Co. Tobacco Products (P.) Ltd.** (supra),

40. In respect of price fixation the Supreme Court in **Centre for Public Interest Litigation (2010) 8 SCC 606** (supra) has held thus at paras 16 & 20 :

16. The price fixation in a contract of the nature with which we are concerned, is a highly technical and complex procedure. It will be extremely difficult for a court to decide whether a particular price agreed to be paid under the contract is fair and reasonable or not in a contract of this nature. More so, because the fixation of price for crude to be purchased by the GOI depends upon various variable factors. We are not satisfied with the argument of the appellants that the nation has suffered a huge financial loss by virtue of this arbitrary fixation of crude price. As a matter of fact, the figure mentioned by the appellants of Rs.3,000 crores as a loss under this head of pricing is based on incorrect fact that the consortium is charging \$ 4 per barrel as premium. It is because of this factual error that the appellants came to the conclusion that under the contract the GOI had agreed to purchase the crude from the consortium at an inflated price. We also take note of the fact that under the agreement the respondents are bound to give a discount of \$ 0.10 per barrel on the price of the crude fixed on the basis of the international market rate which, prima facie shows that the fixation of price is reasonable since under all given circumstances the said will be less than the international market price for Brent crude.

xxx    xxx    xxx  
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20. It is clear from the above observations of this Court that it will be very difficult for the courts to visualise the various factors like commercial/technical aspects of the contract, prevailing market conditions both national and international and immediate needs of the country etc. which will have to be taken note of while accepting the bid offer. In such a case, unless the court is satisfied that the

allegations levelled are unassailable and there could be no doubt as to the unreasonableness, mala fide, collateral considerations alleged, it will not be possible for the courts to come to the conclusion that such a contract can be prima facie or otherwise held to be vitiated so as to call for an independent investigation, as prayed for by the appellants. Therefore, the above contention of the appellants also fails.

41. Similarly, in **Raunaq International Ltd.** (supra) the Supreme Court observed thus at para 16 :

16. It is also necessary to remember that price may not always be the sole criterion for awarding a contract. Often when an evaluation committee of experts is appointed to evaluate offers, the expert committee's special knowledge plays a decisive role in deciding which is the best offer. Price offered is only one of the criteria. The past record of the tenderers, the quality of the goods or services which are offered, assessing such quality on the basis of the past performance of the tenderer, its market reputation and so on, all play an important role in deciding to whom the contract should be awarded. At times, a higher price for a much better quality of work, can be legitimately paid in order to secure proper performance of the contract and good quality of work-which is as much in public interest as a low price. The court should not substitute its own decision for the decision of an expert evaluation committee.

42. Having considered the whole gamut of the pleadings/allegations, the e-tender process undertaken by the Federation, the history of quantity and rate of tendu patta generated for the last many years, the nature of trade of tendu patta and the market forces, which govern the price fixation of tendu patta in a particular year and the comparable price in other States, we have no hesitation in concluding that the fall in price of tendu patta for the year 2018 is not on account of any illegality or corruption of the Federation or its officers nor as a result of cartelization, but is purely based on market condition or market forces.

43. Price fixation is essentially a job of the expert, which should be left to the body, who is well versed with the trade in question and the Court should not venture into the territory as it is the beyond the scope of judicial review as held by the Supreme Court in **Center for Public Interest Litigation, (2000) 8 SCC 606** (supra) and **Raunaq International Ltd.** (supra).

44. In course of hearing, we confronted learned counsel appearing for the petitioners that if the whole or any part of the tender process is quashed and re-tender is ordered, but the Federation fails to generate more revenue than it has earned for the concerned lot and resultantly it runs into losses, who will compensate the Federation or the tribals, who are the ultimate beneficiaries, learned counsel would submit that the petitioners have no means to compensate the Federation and the tribals.

45. As an upshot, for the above stated reasons, we find no substance in both the writ petitions (PILs). Accordingly, both the petitions are liable to be and are hereby dismissed and the interim order stands vacated. The parties shall bear their respective costs.

Sd/-

Judge  
Prashant Kumar Mishra

Sd/-

Judge  
Ram Prasanna Sharma

Gowri