

Court No. - 3

Case :- WRIT - C No. - 9056 of 2023

Petitioner :- M/S Satish Kumar And Co. Ghaziabad , Thru. Its Proprietor Mr. Satish Kumar

Respondent :- U.P. Jal Nigam , Lko. Thru. Managing Director And Others

Counsel for Petitioner :- Ashok Kumar Singh, Prashant Kumar Singh

Counsel for Respondent :- Rishabh Kapoor

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

1. Heard Sri Prashant Chandra, learned Senior Advocate assisted by Ms. Mahima Pahwa and Mr. Anshuman Singh appearing on behalf of petitioner and Sri Rishabh Kapoor, learned counsel for respondents-Jal Nigam.

2. Facts of the case are that the petitioner, a sole proprietorship firm of which, Sri Satish Kumar is the sole proprietor, applied under the tender dated 14.8.2023 involved in the present writ petition. Petitioner's technical bids were required to be opened on 5.9.2023. Meanwhile, another sole proprietorship of petitioner, namely, M/s. Satish Kumar and Company through Sri Satish Kumar, sole proprietor, was blacklisted on 15.9.2023. The technical bids were opened on 5.9.2023 and thereafter the same were considered on 27.9.2023 and on the said date since sole proprietorship firm of petitioner was blacklisted, hence, their bid was not considered. The result of technical bids was declared on 4.10.2023. On 6.10.2023, this Court in Writ-C No.8628 of 2023 stayed the blacklisting order of petitioner. Thereafter, the petitioner also communicated the said order on the same day to the concerned respondents. Now financial bids are yet to be finalized, though they have been opened on 9.10.2023.

3. The petitioner has approached this Court claiming that he is also entitled to be considered as their blacklisting order stands stayed by this Court and they had submitted their bids much in time.

4. Learned counsel for respondents submits that on the date when technical bids were opened, there was a blacklisting order against the petitioner, hence, technical bids of petitioner were not opened.

5. Be that as it may, the fact remains that the tender is not finalized as yet and a decision is yet to be taken as to who would be awarded tender. It is in the interest of public at large that all bidders, who are entitled to be considered, their bids are considered to get the best price possible. Merely on a technical ground that there was a blacklisting order against the petitioner, which though stayed by this Court, but was effective on the date bids were opened, petitioner cannot be denied participation in tender process. Once the blacklisting order was stayed by this Court, all its effect stands stayed. Therefore, respondents are bound to ignore the same.

6. In view thereof, respondent nos.2 and 3 are directed to consider the technical bids of petitioner before taking any final decision in the matter. They shall not deny consideration of petitioner on the ground of blacklisting and in case petitioner is found qualified, respondents shall also open their financial bid.

7. With the aforesaid directions, present writ petition stands ***disposed of***.

[Manish Kumar,J.] [Vivek Chaudhary,J.]

Order Date :- 17.10.2023

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