

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.11981 of 2014

ORDER:

Heard learned counsel for the petitioner and Mr.B.Devanand, learned standing counsel for BSNL.

With the consent of learned counsel for the parties, the writ petition is taken up for final disposal.

On 25.10.2013, 2nd respondent issued tender No.GMTD-NZB/Tender/Hired Vehiles/Zone-II/2013-14/2. The petitioner is one of the tenderers.

The case of petitioner is that the technical bid of the petitioner was qualified and the financial bid of petitioner is due for consideration on 28.02.2015. It is the case of petitioner that he brought to the notice of respondents one of the omissions in the application filed by M/s Om Travels against the tender dated 25.10.2013. According to the petitioner, the claim of said M/s Om Travels is required to be refused as the offer is not complete and in line with the requirements of the subject tender notice. The respondents, instead of eliminating M/s Om Travers, have chosen to cancel the tender notification dated 25.10.2013 and the cancellation is only to facilitate M/s Om Travels again to remove the defects and apply in fresh tender. Hence, the writ petition.

Sri Devanand, learned standing counsel, submits that the cancellation is well within the power of the Department/Principal and in the case on hand, on being satisfied that the opening of financial bids is not required due to technical omissions found in the valuation process, the communication dated 28.02.2014 is issued and no exception can be taken to the cancellation of tender notice dated 25.10.2013. Learned standing counsel incidentally submits that the respondents have no favourites much less special favour for M/s Om Travels to cancel the tender notification and on the other hand the petitioner and his family members are the registered contractors of respondents 1 and 2 and that the period of tender is one year and as

the period is over, a fresh tender is issued for the supply of vehicles by the contractors and prays for dismissal of the writ petition.

The period for which the subject tender is issued is one year. The tender notice is dated 25.10.2013. The period is supposed to commence from the month of February, 2014 till the end of February, 2015. Admittedly, the period for which the tender notice was issued is over and the cancellation as is evident from the communication dated 28.02.2014 is due to technical reasons. Though an attempt is made to attribute motives for the cancellation of subject tender, in the considered opinion of this Court, these allegations are not made out and consequently, I see no reason to interfere with the communication dated 28.02.2014.

The writ petition is dismissed. No order as to costs.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

S.V. BHATT, J

Date: 19.02.2015

KLP