

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.10086 of 2015(O&M)

Date of decision:29.6.2015

The Tibba Dana Sher Coop L & C Society, Ltd.Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Deepak Singh Saini, Advocate for the petitioner.

Mr. Vishal Garg, Additional Advocate General, Haryana
for respondents.

HEMANT GUPTA, J.(Oral)

The petitioner claims a writ of mandamus for directing the respondents to allot work of Rehabilitation of Dadri Feeder from RD No.0-42700 for the reason that the petitioner is the sole eligible contractor for which tenders were opened on 06.05.2015.

The Haryana Irrigation Department published a notice inviting tenders for Rehabilitation of Dadri Feeder at the estimated cost of Rs.300.32 lakhs. The bids were to be submitted through e-tender process up to 05.05.2015 till 3 PM. The petitioner and six others submitted their bids but the bids of all others were not found up to the mark as per contract agreement. The Executive Engineer vide communication dated 07.05.2015 sought ex-post facto approval for rejection of the tender documents submitted by the six other bidders vide Annexure P-3. It is at that stage after the communication dated

07.05.2015 was addressed, the petitioner invoked the writ jurisdiction of this Court for claiming a writ of mandamus.

The petitioner filed a Civil Miscellaneous application bearing No.7566 of 2015 pointing out that the respondents have published fresh notice inviting tenders for the same work. It is alleged that the said tender is illegal for the reason that the petitioner is the sole eligible bidder and therefore his bid needs to be accepted.

We have heard learned counsel for the parties and find no merit in the present writ petition. The fact that the petitioner is the sole bidder does not give him any vested right to seek awarding of the contract. The fact that the petitioner is the sole bidder, in fact, shows that it will not be a fair process of awarding of contract. Since the project is of rehabilitation of feeder, therefore, the same has to be carried out at the earliest before the rainy season starts.

Therefore, we find that the decision to invite fresh bids cannot be said to be illegal or arbitrary which may warrant interference in the writ jurisdiction of this Court.

Consequently, the present writ petition is dismissed.

(HEMANT GUPTA)
JUDGE

JUNE 29, 2015
‘D. Gulati’

(LISA GILL)
JUDGE