

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CWP No.10317 of 2015

Date of Decision: 21.05.2015

M/s Global Canesugar Services Pvt. Ltd. ...Petitioner

Versus

The Haryana State Cooperative Supply & Marketing Federation & another ...Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.K.Malik, Senior Advocate, with
Mr. Vijay Daluja, Advocate, for the petitioner.

HEMANT GUPTA, J. (ORAL)

The grievance of the petitioner in the present writ petition is that the respondent – Federation has not adopted the e-tender process, which the State Government made mandatory vide circular dated 11.02.2014 and also the respondent – Federation has not applied circular dated 01.12.2014 issued by the State Government contemplating that the contracts worth more than Rs.50 lacs in respect of Board/Corporations/Federations shall be considered by the High Powered Purchase Committee.

The argument of learned counsel for the petitioner is that once the State Government has directed to adopt a particular procedure to maintain transparency and fairness in the tender process, the action of the respondent – Federation not to resort to e-tender, but to proceed with physical tender, cannot be sustained.

We find that e-tender process is not only the method of ensuring transparency. Whether the tender process applied by the respondent – Federation is transparent, fair and reasonable, the same can be

decided after the tender process is completed and not merely on the basis of adoption of the process of tender, which is other than by way of e-tender.

Consequently, we find that the present writ petition is premature. The same is, accordingly, dismissed as such.

(HEMANT GUPTA)
JUDGE

21.05.2015
'D.Gulati'/Vimal

(LISA GILL)
JUDGE