

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

Date of decision: 29.05.2015

CWP No.11745 of 2015

Aspect Solutions (P) Ltd. ...Petitioner

Vs.

State of Punjab & others ...Respondents

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

Present: Mr. Simranjit Singh, Advocate, for the petitioner.

HEMANT GUPTA, J. (ORAL)

Challenge in the present writ petition is to an advertisement (Annexure P-8), whereby the Municipal Council, Barnala has sought bids from the enlisted Labour Cooperative Societies and contractors for the purpose of Cleanliness work in Zone Nos.1, 2, 3 & 4, Municipal Council, Barnala as well as Laying Premix Carpet on street from Sandhu Patti School to the house of Ajaib Singh.

The grievance of the petitioner is that by way of earlier advertisement (Annexure P-1), the bids were invited for cleanliness work in Zone Nos.1, 2, 3 & 4, Municipal Council, Barnala. The last date for submission of bid was 30.03.2015. Pursuant to such advertisement, 4 bidders participated, but 3 of them have been found to be technical unqualified. Therefore, the petitioner as a sole bidder has a right to seek allotment of the works from the respondents. He relies upon instructions dated 22.02.2011 (Annexure P-10) issued by the State Government, which contemplate that if in the e-tender process, there are less than

three or single bidder, then after tender accepting authority certifies that the offer is genuine and comparative, the said offer can be considered. It is, thus, argued that since the petitioner is sole tenderer, its bid should have been considered. It is also argued that there is no specific order passed regarding cancellation of the first tender notice.

We have heard learned counsel for the parties and find no merit in the present writ petition. The instructions (Annexure P-10) are enabling instructions, which permit the competent authority to award contract even if there is single tender on the condition that the offer is genuine and comparative. There is no mandate that single tender should be accepted in all situations. It is for the competent authority to take a decision, as to whether fresh tenders are required to be invited to complete the tender process even in the case of single tender.

Even if there is no specific order produced by the petitioner regarding cancellation of earlier tender process, but the fact remains that publication of fresh tender for the same works, as part of the earlier tender, itself shows that the previous tender stands superseded.

In view thereof, we do not find any merit in the present writ petition, which impugns the subsequent tender process. Consequently, the same is dismissed.

(HEMANT GUPTA)
JUDGE

(LISA GILL)
JUDGE

29.05.2015
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