

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Writ Petition No. 12752 of 2015(O&M)

Date of Decision: July 15 , 2015.

M/s Goel Enterprises

..... PETITIONER (s)

Versus

State of Haryana and others

..... RESPONDENT (s)

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

Present: Mr. Raj Kapoor Malik, Advocate
for the petitioner.

Mr. Vishal Garg, Addl.AG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
 2. To be referred to the reports or not?
 3. Whether the judgment should be reported in the digest?
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HEMANT GUPTA, J.

Challenge in the present writ petition is to grant of contract for the supply of pulses to respondent No.3 though petitioner has submitted the lowest offer for the same.

In reply, it is pointed out that three brothers are sole proprietors of three different firms i.e., M/s Goel Enterprises (petitioner), M/s Shiv Traders and M/s K.L.Enterprises. All the aforesaid three firms operate from the same address. M/s K.L.Enterprises, another firm of one of the brothers of sole proprietor of petitioner-firm has defaulted in performance of a contract for supply of 765 quintals of *Dal Urd Whole* and the department had to purchase the same at a

higher rate. The petitioner and his two brothers participated in the tender process quoting the rates so as to get contract in one or the other name.

Learned counsel for the petitioner contends that the consequence of default on the part of his brother cannot fall on the petitioner. Petitioner is a separate entity therefore, mere fact that the sole proprietorship firm of one of his brothers is defaulter cannot be a ground for not granting the contract to the petitioner.

We have heard learned counsel for the parties and find no merit in the argument of learned counsel for the petitioner though at the first instance it appears attractive. The fact remains that three brothers are in the same business operating from the same address. As per the written statement, three firms of three brothers are participating and getting contract of similar nature. There are defaults committed by the petitioner as well. The brothers participate in the tender process so as to complete the formalities of three offers in the same tender process. Therefore, we do not wish to interfere in the extraordinary equitable jurisdiction of this court in the present writ petition.

In view of the aforesaid, the present writ petition is dismissed.

(HEMANT GUPTA)
JUDGE

(LISA GILL)
JUDGE

July 15 , 2015.
'om'