

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.14455 of 2015
Date of decision 05.11.2015

The Hitech Co-op L&C Society Ltd. ... Petitioner

Versus

State of Punjab & others ... Respondents

2. CWP No.14705 of 2015

The Kharar Co-op. L&C Society Ltd. ... Petitioner

versus

State of Punjab & others ... Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. M.C. Berry, Additional Advocate General, Punjab.

Mr. Vivek Chauhan, Advocate for respondent No.5.

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S.J. VAZIFDAR, ACTING CHIEF JUSTICE.

The petitioners are aggrieved by the rejection of their tenders on the ground that they are not eligible.

2. The respondents issued a notice inviting e-tenders for the works specified therein. The notice stipulated that for participation in the tender process, the contractors/agency must have EPF and ESI number and attach the latest challan of EPF and ESI. The clause further stipulated that failing the same the tender would be rejected. The possession of EPF and ESI number and the production of the challan of EPF and ESI was, therefore, a mandatory condition. The petitioners, admittedly, do not meet the requirement.

3. The petitioners contend that they did not require EPF and ESI

numbers as they were not governed by the provisions of the EPF Act. In this regard, reliance has been placed on Sections 16(i)(a) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter to be referred to as the EPF Act) which reads as under:

“16. Act not to apply to certain establishments: (1) This Act shall not apply-

(a) to any establishment registered under the Co-operative Societies Act, 1912 (2 of 1912), or under any other law for the time being in force in any State relating to co-operative societies, employing less than fifty persons and working without the aid of power; or”

4. The petitioners contend that the persons employed by them are less than fifty in number and work without the aid of power. We will assume that to be so. The respondents, however, required an agency which was governed by the provisions of the EPF Act. The said clause has not been challenged. As the respondents only required an agency governed by the provisions of the EPF Act, the petitioners were not eligible. We are informed that this condition has been deleted in the subsequent tenders. That, however, cannot govern the interpretation of the present tenders.

5. On this ground alone, the writ petitions are dismissed.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

05.11.2015
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