

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

CWP No.15013 of 2015

Date of decision:5.8.2015

M/s Narain Ji Traders

....Petitioner

VERSUS

Punjab Agro Food Grain Corporation Ltd. and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajesh Punj, Advocate for the petitioner.

Mr. Anupam Singla, Advocate for the respondents.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to the communication dated 03.07.2015 (Annexure P-9) whereby tender submitted by the petitioner was rejected, inter alia, for the reason that earnest money of Rs.10,50,000/- was deposited as against Rs.12,49,400/- required to be deposited in terms of the bids submitted by the petitioner.

The grievance of the petitioner was that in the online tender process, the petitioner has initially transferred a sum of Rs.10,50,000/- while submitting tender documents on 18.06.2015 but later on transferred another sum of Rs.2,10,000/- on 20.06.2015. Therefore, the requisite amount of earnest money was deposited before the last date for submission of the tender on 22.06.2015. Therefore, the bid of the petitioner has been rejected on an arbitrary

ground that the requisite earnest money was not deposited, when the petitioner has transferred a sum of Rs.10,50,000/- on 18.06.2015 and another sum of Rs.2,10,000/- on 20.06.2015.

In reply, learned counsel for the respondent has pointed out that the petitioner has submitted earnest money of Rs.10,50,000/- while submitting e-tender. It is the said amount alone which was transferred in respect of the tender process.

Keeping in view the contrary stands taken by the parties, we have called upon Mr. Anupam Singla to produce the soft copy of the tender documents. Today, Mr. Singla has produced the soft copy of the tenders submitted by all the tenderers. A perusal of the said document shows that 46 tenderers submitted their bids including the present petitioner whose name appears at Serial No.11 giving deposit of earnest money of Rs.10,50,000/-. One of the 46 tenderers has deposited earnest money of Rs.100/-.

The argument of learned counsel for the petitioner that a sum of Rs.2,10,000/- was transferred to the Bank Account of the respondent-Corporation on 20.06.2015 cannot be accepted in respect of the tender submitted. In the bank transfer transaction of Rs.2,10,000/-, the petitioner has not given any indication that this amount relates to tender already submitted. The amount of earnest money was required to be deposited online and the earnest money has to be transferred to the account of the Corporation against the tender documents being submitted by the petitioner.

There is no co-relation within the transfer of Rs.2,10,000/- transferred by the petitioner to the respondent-

Corporation and the tender documents submitted, we do not find that such amount can be treated towards earnest money required to be deposited by the petitioner in respect of the offer made by it.

Since the bids submitted by the petitioner in respect of different lots offered for purchase required earnest money of Rs.12,49,400/- whereas the earnest money of Rs.10,50,000/- alone was deposited, therefore, the tender submitted by the petitioner has been rightly rejected.

In view thereof, we do not find any illegality or irregularity in the rejection of the bid of the petitioner.

Dismissed.

(HEMANT GUPTA)
JUDGE

AUGUST 5, 2015
'D. Gulati'

(LISA GILL)
JUDGE