

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.15278 of 2015 (O&M)

Date of decision:08.12.2015

M/s Maharaja Ranjit Singh Transport Co.

... Petitioner

VS.

Food Corporation of India & others

... Respondents

2. CWP No.19103 of 2015 (O&M)

Hakam Singh

... Petitioner

VS.

Food Corporation of India & others

... Respondents

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

Present: Mr. Ravi Kant Sharma, Advocate for the petitioner.
(in CWP No.15278 of 2015).
Mr. B.S. Sewak, Advocate for the petitioner.
(in CWP No.19103 of 2015).
Mr. J.S. Puri, Advocate for the respondents.
...

S.J. VAZIFDAR, ACTING CHIEF JUSTICE.

Respondent No.1-The Food Corporation of India in both these writ petitions by a notice dated 05.06.2015 invited tenders for handling and transporting food grains. Several parties including the petitioners in both these writ petitions submitted their bids.

2. The petitioner in CWP No.15278 of 2015 contended that respondent No.3 therein i.e. petitioner in CWP No.19103 of 2015 was wrongly considered to be eligible. The matter was, therefore, inquired into by respondent No.1. Respondent No.1 constituted a committee of two General Managers to look into the complaints. The report did remain inconclusive. The committee noted that the EPF fraud could not be established on the basis of the record available to it as certain documents had not been submitted. The committee further noted that there was a

possibility of a tax fraud and therefore, sought details from the Regional Provident Fund Commissioner for further inquiry and necessary action. Requests have been made to the Commissioner of Income Tax and Central Provident Fund Commissioner for information. The same had not been provided for sometime.

3. Ultimately, the first respondent at a meeting held on 21.08.2015 decided to invite fresh tenders. Respondent No.1 did not considered it prudent to wait any further. This is understandable as indefinite delay would effect the transportation of food grains which would be against public interest as well. It was further noted that only the petitioner in CWP No.19103 of 2015 agreed to the extension of validity period of the tender.

4. In the circumstances, the first respondent issued a further notice inviting tenders on 03.09.2015. However, only the petitioner in CWP No.15278 of 2015 submitted a bid. The petitioner in the other writ petition did not submit the bid.

5. Mr. J.S. Puri, learned counsel appearing on behalf of respondent No.1-The Food Corporation of India states that the work has been awarded to the petitioner in CWP No.15278 of 2015 as his bid was most competitive. In the circumstances, the grievance of the petitioner in CWP No.15278 of 2015 stands redressed.

6. Insofar as the other writ petition is concerned, we are not inclined in these proceedings to quash the first respondents' decision to scrap the earlier tender process. The decision to scrap the tender process cannot be said to be malafide. The complaints were considered serious enough to be investigated. Although, the investigation was not conclusive, respondent No.1 was justified in inviting fresh tenders. As we mentioned

earlier, it would be unfair to respondent No.1 to keep the matter pending for an indefinite period of time.

6. In the circumstances of this case, the petitioner in CWP No.19103 of 2015 must be relegated to adopt any other proceedings for recovery of damages or compensation, if he so desires.

7. The writ petitions are accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

08.12.2015
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