

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP No.15954 of 2015 (O&M)
DECIDED ON : 30.11.2015.

RAGHUBIR SINGH

..... Petitioner

VS.

FOOD CORPORATION OF INDIA AND OTHERS

... Respondents

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

Present: Mr. H.P.S. Bhinder, Advocate
for the petitioner.

Mr. J.S. Puri, Advocate
for respondents No.1 to 4.

Mr. Vaibhav Gupta, Advocate
for respondents No.5 and 6.

S.J. VAZIFDAR, ACJ (ORAL)

The petitioner has challenged the respondents' decision considering him ineligible to submit the tender. Respondents issued a tender notice dated 05.06.2015 inviting tenders for handling and transport contracts. The instructions for online bid submission specified that the documents to be uploaded in the technical bid. Clause 1 (X) of this list reads as under:-

“Scanned copy of EPF code Number and Proof of deposit of EPF for the relevant experience period (if experience is HTC or Handling contract) i.e.:

1. NDC from RPFC

Or

2. Confirmation from EPF authorities and confirmation from principle employer.

Or

3. Inspection Report and confirmation from Principle Employer

for the experience period is/are also required to be attached with the tender. (In case any of any shortcoming in submission of the same, the bid will be summarily rejected)”

The petitioner admittedly did not submit the EPF code number. The petitioner instead submitted only the inspection report of an Enforcement Officer of the EPF. Firstly, this inspection report does not fulfill the requirement of furnishing a scanned copy of the EPF code number. Secondly, even the inspection report is not in respect of the petitioner who submitted the bill but in respect of partnership firm Radha Soami Guru Kirpa Logistic Company of which the petitioner is a partner.

The petitioner therefore, failed to comply with an essential term. That the furnishing of a scanned copy of the EPF code number was an essential condition is clear from the fact that it is specified that in case any of any shortcoming in the submission of the same, the bid will be summarily rejected.

The petition is therefore dismissed.

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

**(TEJINDER SINGH DHINDSA)
JUDGE**

30.11.2015