

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 17088 of 2015 (O&M)

Date of Decision: 16.09.2015

The Jai Bharat Cooperative Labour &
Construction Society Ltd.

--Petitioner

Versus

State of Punjab and others

--Respondents

**CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR.
HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. S.K. Arora, Advocate for the petitioner.

Mr. Rajinder Goyal, Addl. A.G., Punjab.

Mr. Sanjeev Sharma, Advocate for
respondents no.2 and 3.

Mr. Adarsh Jain, Advocate for
respondent no.4.

S.J. VAZIFDAR, A.C.J. (Oral)

The petitioner has challenged the award of a tender in favour of
respondent no.4 as also the tender process.

2. The petitioner has challenged the tender process on the ground
that it is contrary to a policy of the Punjab Government dated 2.10.2014.
Paragraph 1 of the policy provides that skilled work up to the limit of Rs.40
lacs should be allotted only to a Cooperative Labour and Construction
Society in the State by way of tenders. In case the societies fail to tender or
do not accept the work within the limit stipulated, the work may be got
executed by inviting open tenders from both the contractors and the
societies.

3. We have assumed that paragraph 1 of the policy requires two
separate and distinct stages to be followed. The first stage is where the
tenders in respect of the skilled work are invited up to the limit of Rs.40 lacs

only from the Cooperative Labour and Construction Society and in the event of work not being allotted to such society, in the second stage fresh tenders are to be invited from other parties as well.

4. In the present case the two stage system was admittedly not followed. Bids were invited from all parties. The notice inviting tenders was issued on 14.7.2015. As per the notice, bids were invited from all eligible bidders. The petitioner also submitted its bid without raising any demur or protest. The notice inviting tenders did not even refer to the State policy on the basis of which this petition is founded. It ought therefore to have been clear that the bids were invited from all eligible bidders and not merely from the societies referred to in the policy. Despite the same the petitioner submitted a bid and did not raise the objection which is now raised.

5. The last date for submission of bids was 29.7.2015. The bids were opened on 30.7.2015. The bids submitted by the societies were considered first i.e. on priority to the bids submitted by others. However, all the bids submitted by the societies were found to be technically unqualified. The respondents, therefore, awarded the contract to respondent no.4 which is not such a society.

6. It is only after the petitioner's bids were held to be unqualified that the present petition was filed on 13.8.2015. Thereafter, respondent no.4 has proceeded with the work and has almost completed the same. The work involved the construction of a causeway for a rivulet flowing through a village.

7. In the facts and circumstances of the case even assuming paragraph 1 is to be interpreted in the manner suggested by the petitioner,

we are not inclined to exercise our extraordinary jurisdiction under Article 226. There is nothing to indicate any malafides against the respondents.

8. The writ petition is, accordingly, dismissed.

(S.J. Vazifdar)
Acting Chief Justice

(Tejinder Singh Dhindsa)
Judge

16.09.2015
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