

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
CWP No.25321 of 2015 (O&M)
Date of decision:04.12.2015

Dinesh Kumar

... Petitioner

vs.

FCI & 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.

...

S.J. VAZIFDAR, ACTING CHIEF JUSTICE.

The petitioner has challenged the award of work to respondent No.3-Zimidara Transport Company.

2. Respondent No.3 is admittedly L-I. Absent anything else that the award of work in his favour is therefore justified. It is, however, submitted that every page of the documents submitted was required to be signed but was not signed by the sole proprietor of respondent No.3-one Ranbir Singh. The pages have been signed by his constituted attorney. The tender was therefore non-responsive according to the petitioner.

3. The notice inviting tenders does not prohibit the constituted attorney signing the documents in exercise of powers under a Special Power of Attorney. Clause 5(b) insofar as it is relevant, reads as under:

“5. Instructions for submitting Tender:

The instructions to be followed for submitting the tender are set out below:

(a) xxx

xxx

xxx

(b) Signing of Tender

I. The authorized signatory shall possess Digital Signature Card (DSC) for submission of tender documents and MTF. The DSC holder/authorized signatory signing the tender shall state in what capacity he is, signing the tender, e.g., as sole proprietor of the firm, or as a Secretary/Manager/Director etc., of a Limited Company.....”

This clause does not prohibit a constituted attorney from signing on behalf of the bidder. No does it require the bidder or the bidder's constituted attorney to state on every page signed by him the capacity in which he was signing the same.

4. In fact paragraph II of Clause 5 expressly recognizes the right of a bidder to be represented by a constituted attorney for the purpose of the bid. Clause 5(II) reads as under:

*“II. The Digital Signature Card (DSC) holder signing the tender, or any documents forming part of the tender, on behalf of another, or on behalf of a firm shall be responsible to produce a proper Power of Attorney duly executed in his favour, stating that he has authority to bind such other person, or the firm, as the case may be, in all matters, pertaining to the Contract. **If the Digital Signature Card (DSC) holder so signing the tender fails to produce the said Power of Attorney his tender shall be summarily rejected without prejudice to any other right of the Corporation under the law.** The hard copy of Power of Attorney will be submitted by the successful tenderer at the time of awarding of the contract.”*

5. In the circumstances, the writ petition is dismissed.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

04.12.2015
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