

CWP No.26431 of 2014

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

CWP No.26431 of 2014

Date of Decision: January 21, 2015

M/s Avtar Transport Company Regd.

...Petitioner

Versus

Bharat Petroleum Corporation Ltd.

...Respondent

**CORAM: HON'BLE MR. JUSTICE S. J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

**Present: Mr. Parminder Pal Singh Thethi, Advocate
for the petitioner.**

**Mr. Raman Sharma, Advocate
for the respondent.**

S. J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

Rule returned forthwith.

2. The petitioner has challenged the notice inviting e-tenders for transportation of packed LPG cylinders on the ground that there is no reservation for Micro and Small Enterprises.

3. The Ministry of Micro, Small and Medium Enterprises, issued an order dated 23rd of March, 2012, in exercise of powers under Section 11 of the Micro, Small and Medium Enterprises Development Act, 2006, Clause 3 whereof reads as follows”-

“3. Mandatory procurement from Micro Small and Enterprises – (1) Every Central Ministry or Department or Public Sector Undertaking shall set an annual goal of procurement from Micro and Small Enterprises from the financial year 2012-13 and onwards, with the objective of achieving an

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overall procurement of minimum of 20 per cent of total annual purchases of products produced and services rendered by Micro and Small Enterprises in a period of three years.

4. The notice inviting e-tender does not contain the required reservation. Faced with this, it is contended that under the general category, there is a category of tenderers offering upto 10 trucks. It is contended that this is an implied reservation. We do not agree. This category only refers to the number of the trucks and not to the type of bidders. In an earlier case, the respondents had, in fact, issued a corrigendum to take care of the reservation.

5. In the circumstances, the impugned tender notice is quashed and set aside only in so far as it does not stipulate a reservation as aforesaid as required by Clause 3 of the order dated 23rd of March, 2012 issued by the Ministry of Micro, Small and Medium Enterprises. The respondents are at liberty to call for fresh tenders after rectifying this defect including by issuing a corrigendum.

The writ petition is disposed of, accordingly.

No order as to costs.

(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE

(AUGUSTINE GEORGE MASIH)
JUDGE

January 21, 2015
Harish