

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 4657 of 2015 (O&M)

Date of decision : 08.04.2015

M/s Paramveer Auto FuelsPetitioner

Versus

Indian Oil Corporation Ltd. and othersRespondents

Civil Writ Petition No. 4662 of 2015 (O&M)

M/s Kahan Chand Auto FuelsPetitioner

Versus

Indian Oil Corporation Ltd. and othersRespondents

Civil Writ Petition No. 4706 of 2015 (O&M)

M/s Narula Filling StationPetitioner

Versus

Indian Oil Corporation Ltd. and othersRespondents

**CORAM:- HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Amit Sharma, Advocate for the petitioner.

Mr. Ashish Kapoor, Advocate for the respondents.

HEMANT GUPTA, J.

This order shall dispose of Civil Writ Petitions Nos. 4657 of 2015 (M/s Paramveer Auto Fuels Versus Indian Oil Corporation Ltd. and others), 4662 of 2015 (M/s Kahan Chand Auto Fuels versus Indian Oil Corporation Ltd. and others) and 4706 of 2015 (M/s Narula Filling Station versus Indian Oil Corporation Ltd. and others). However, for facility of reference, the facts are taken from the writ petition preferred by Paramveer Auto Fuels.

Challenge in the present writ petition is to the recommendations of tender Committee rejecting the technical bid of the petitioner for the reason that the petitioner has given an undertaking that

there is no inquiry in respect of corrupt and fraudulent practices pending against it though there was an inquiry in progress at the time of submission of bids as show cause notice of excess loading of High Speed Diesel was pending against the petitioner.

Learned counsel for the petitioner submits that the show cause notice was issued on 28.06.2014 whereas fresh tenders were invited in December, 2014 and that petitioner has given undertaking in the format sought for by the respondents. The argument is that show cause notice is not an inquiry and there was a gap of about six months, therefore, the petitioner has given undertaking as per the format without any intention not to disclose the pendency of proceedings, when the show cause notice was served by the respondents themselves.

We have heard learned counsel for the parties and find no merit in the writ petition. Show cause notice (Annexure P-1) was issued on 28.06.2014 pointing out that 6790 liters of High Speed Diesel was loaded in excess and that it was to the tune of 18 times of excess load. The petitioner submitted its reply on 11.07.2014, however, final decision of black listing of tanker trolley engaged in excess loading of High Speed Diesel was passed on 31.12.2014. In the undertaking dated 02.12.2014, the petitioner has declared that there is no inquiry is pending in respect of corrupt and fraudulent practices against it. Such part of the undertaking is factually incorrect as the show cause notice was not only served but the respondent has also replied to the said show cause notice. The restricting meaning sought to be given by the petitioner as inquiry by the police only and not the issuance of show cause notice cannot be accepted as anything which has to

do with corrupt or fraudulent practices in relation to dealing of the petitioner with any of the oil company is required to be disclosed.

It is also argued that even in the show cause notice there is no reference of any inquiry, departmental or otherwise, which is said to be pending against the petitioner. The show cause notice was issued before recovery of shortages on account of excess High Speed Diesel by tempering with automation system of the Corporation and action as per Industry Transport Guidelines and Corporation Policy guidelines shall be taken against the petitioner.

The requirement of seeking an undertaking is to ensure the credentials and past history of the tenderers. The petitioner has withheld the correct information while furnishing undertaking, therefore, we do not find that rejection of technical bid of the petitioner suffers from any illegality or irregularity, which may warrant any interference in the equitable writ jurisdiction of this court.

The present writ petition is dismissed.

(Hemant Gupta)
Judge

(Lisa Gill)
Judge

April 08, 2015
rts