

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CWP No.5526 of 2015

Date of Decision: 25.03.2015

M/s Varaha Infra Ltd.

...Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr. Gaurav Chopra, Advocate, for the petitioner.

Mr. B.R.Mahajan, Advocate General, with
Mr. Amar Vivek, Addl. AG, Haryana.

HEMANT GUPTA, J. (ORAL)

The grievance of the petitioner in the present writ petition is that he could upload his technical bid for 'Development of Access Controlled Kundli – Manesar – Palwal Expressway Section (Manesar RD 83.320 km to Palwal RD 135.650 km (Balance Work) on Item Rate mode)' before the cut of time i.e. 12.00 noon on 20.03.2015, but while uploading the financial bid, the bid was not accepted by the server after encryption. In fact, at one stage, the server got hanged also.

The petitioner has sent an e-mail to respondent No.3 - M/s Nex Tenders (India) Private Limited i.e. the Nodal Agency, providing services of e-tender, at 12.44 PM on 20.03.2015, after contacting them on the helpline phone number, pointing out the difficulties in uploading of the financial bid. The same has been replied by respondent No.3 at about 1.16 PM on the same day.

It, thus, appears that the grievance of the petitioner that he was not able to upload the financial bid for the reasons beyond his control cannot be said to be totally lacking bona-fides.

During the course of arguments, Mr. B.R.Mahajan, learned Advocate General, Haryana submitted that if the petitioner uploads its financial bid as well as furnish its hard copy up to 3 o'clock today, the same shall be considered in accordance with law.

In view of the said fact, we dispose of the present writ petition with liberty to the petitioner to upload his financial bid up to 3 o'clock today and also furnish its hard copy to the respondents well before the time fixed. To facilitate the uploading of financial bid, the learned Advocate General, Haryana shall instruct respondent No.3 – M/s Nex Tenders (India) Private Limited to provide access to the petitioner.

(HEMANT GUPTA)
JUDGE

25.03.2015 / 12.15 pm
Vimal

(LISA GILL)
JUDGE