

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

CWP No.5608 of 2015

Date of decision:26.3.2015

M/s R.S. Builders

....Petitioner

VERSUS

Punjab Water Supply and Sewerage Board and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. P.S. Rana, Advocate for the petitioner.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to e-tender notice dated 16.03.2015 whereby tenders have been invited to seek the bids for execution of the works said to be already allotted to the petitioner vide letter dated 28.11.2008.

It is admitted by learned counsel for the petitioner that the period for completion of contract was 18 months. The petitioner relies upon various minutes recorded by the Superintending Engineer granting extension of time to the petitioner and also the problems arising in the execution of the contract in the year 2012-13.

We do not find that the petitioner can seek quashing of the fresh tender. The petitioner has not been able to complete the contract for almost 6½ years, though the period of completion was 18 months.

Still further, whether there was default on the part of the petitioner or of the department is a matter which can adequately be

considered by the Arbitrator in terms of the conditions of the notice inviting tender. The test for invoking the writ jurisdiction of this Court before awarding the contract and after execution of the contract is materially different. Though, before execution of the contract, the Court in exercise of power of judicial review examines the decision-making process leading to grant of contract but after the contract is granted, the rights of the parties are contractual in nature which are to be decided by the authorities contemplated by the agreement.

In view thereof, we do not find any merit in the present writ petition.

Dismissed.

(HEMANT GUPTA)
JUDGE

MARCH 26, 2015
‘D. Gulati’

(LISA GILL)
JUDGE