

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

CWP No. 10219 of 2016
DATE OF DECISION : 28.07.2016

Ram Singh

.... PETITIONER

Versus

State of Punjab and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. D.S. Malwai, Advocate, for the petitioner.

Mr. Alok Jain, Addl. A.G., Punjab.

Mr. Raman Mohinder Sharma, Advocate, for respondent No.5.

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RAMENDRA JAIN, J.

1. It is the case of the petitioner that pursuant to the tender notice issued by the Director, Food & Civil Supplies Consumers Affairs Department, Chandigarh (respondent No.2 herein) inviting tenders from 14.03.2016 to 18.03.2016 for transportation of grain and labour for the storage Centres/Cartage and labour for PEG godowns, he applied for the tender with requisite experience certificate. At the time of opening of the tenders, he was not called. Without rejecting the tender of the petitioner, respondents awarded the cartage and transport contract in favour of respondent No.5 at much higher rates than quoted by the petitioner. As per clause 24 of the policy dated 10.03.2016 (Annexure P-2), there is no requirement of attaching copies of original Registration Certificates of the trucks and only the list of trucks is to be furnished with the tender form, which the petitioner had duly furnished. Without adhering to the aforesaid

policy and without intimating the petitioner regarding the rejection of his tender, awarding of contract by respondent No.2 to respondent No.5 is bad in law.

2. Hence, by way of present writ petition under Articles 226/227 of the Constitution of India, the petitioner has sought re-calling of tender in view of policy dated 10.03.2016 (Annexure P-2) being a single tender, and to open the same being fully eligible and responsive for awarding the transport/ cartage contract for the year 2016-17 in the grain markets of purchase agency Pungrain at Sherpur Centre, District Sangrur.

3. Short reply on behalf of respondents No.1 to 4 and 6 has been filed in court today and the same is taken on record, wherein it has been stated that as per clause 11 of the labour policy dated 10.03.2016 (Annexure P-2) and clause 9 of the transportation policy dated 10.03.2016 (Annexure R-3/T), if first time the tender is submitted by only one bidder, then the tenders would be invited again. Thus, the petitioner being a single applicant, tenders were again invited from 21.03.2016 to 23.03.2016, which were opened on 23.03.2016. Tender of the petitioner was rejected due to non submission of original Registration Certificates of trucks. The petitioner submitted list of 30 trucks at the time of submission of tender, whereas he was required to submit a list of 120 trucks as per actual arrival of foodgrains during the last year in Sherpur Center. On 23.03.2016, respondent No.5 lodged a complaint to the Tender Allotment Committee regarding the fake list of 30 trucks submitted by the petitioner along with the tender. The Tender Allotment Committee decided that if there is any doubt regarding sources of any contractor, then it is appropriate to check the availability of his sources. Accordingly, the petitioner was asked to produce the copies of

Registration Certificates or original agreement having been executed by any Truck Union, if any. On oral request made by the petitioner to grant more time, he was asked to produce the documents on 28.03.2016 at 9.30 AM. However, the petitioner failed to produce the original Registration Certificates. Hence, tender of the the petitioner was cancelled.

4. Admittedly, it is a matter of transportation of food grain and the petitioner submitted list of only 30 trucks at the time of submission of tender. Furthermore, the Tender Allotment Committee received a complaint regarding the fake list of 30 trucks submitted by the petitioner along with the tender. Therefore, the official respondents wanted to satisfy themselves about the availability of trucks with the petitioner. It is for this reason that the Tender Allotment Committee required the petitioner to produce the copies of Registration Certificates or original agreement having been executed by any Truck Union, if any. It was not unreasonable for the official respondents to call upon a bidder to satisfy it that the bidder has the trucks available. The petitioner had failed to comply with the same. Thus, no fault can be found in rejecting the tender of the petitioner and awarding it to respondent No.5.

5. The petition is, therefore, dismissed.

(RAMENDRA JAIN)
JUDGE

July 28, 2016
ndj

(AJAY KUMAR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No