

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12955 of 2016

Date of Decision: 4.7.2016

Pioneer Agrotech Greens Pvt. Ltd., Panchkula and others

....Petitioners.

Versus

State of Punjab and another

...Respondents.

1. Whether the Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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

PRESENT: Mr. Manish Kumar Singla, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing clauses 3, 4, 6, 9 and 11 of the Terms and Conditions (Annexure P-4) for empanelment of firms for construction of Hi-Tech Ply Houses, NVPH, Net House and Walk-in-tunnels or alternatively respondent No.2 be directed to take a decision on the representation dated 28.6.2016 (Annexure P-5).

2. The respondents issued tenders for empanelment of firms for construction of Hi-Tech Poly House, NVPH, Walk-in-tunnels and Poly Net and as per the terms and conditions (Annexure P-1), the firms should have an experience of minimum of period of two years and have constructed minimum 75000 square meters of protected cultivation structures, should furnish bank guarantee of ₹ 50 lacs and should have consolidated annual turnover of ₹ 8 crores of two years, i.e. for 2014-15

and 2015-16. In pursuance thereto, the petitioners submitted representation dated 16.6.2016 (Annexure P-2) to respondent No.2 well before the last date of receiving the bids, i.e. 27.6.2016. Meetings were held by the petitioners with respondent No.2 and when no decision was taken, some of the petitioners filed CWP No. 12790 of 2016. The said writ petition was dismissed as withdrawn by this Court vide order dated 24.6.2016 (Annexure P-3) with liberty to file a fresh challenging the amended terms and conditions (Annexure P-4). Thereafter, the petitioners moved a representation dated 28.6.2016 (Annexure P-5) to respondent No.2 for reservation with regard to empanelment process and conditions, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a representation dated 28.6.2016 (Annexure P-5) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to decide the representation dated 28.6.2016 (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of 15 days from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 4, 2016
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(RAMENDRA JAIN)
JUDGE