

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 13376 of 2016

Date of Decision: 12.7.2016

VCN India Private Limited, Chandigarh

....Petitioner.

Versus

State of Punjab and others

...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. S.S. Walia, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the order dated 17.6.2016 (Annexure P-6) vide which the tender rates of respondent No.4 have been approved. Further, a writ of mandamus has been sought directing respondents No.1 and 2 to allot the tender work to the petitioner being the lowest bidder for the work RD 62918-L Slice-I, Ext-I of Bhaini Pipe Line (Estimated cost 58.51 Length 3152).

2. The petitioner is engaged in construction work and is enlisted for A-1 Class vide enlistment letter dated 18.12.2015 (Annexure P-1) for

carrying out construction work in Irrigation Department. Respondent No.3 invited tenders for the work of extension of pipeline vide E-Tendering Notice No. 4/2016 (Annexure P-2) for Kotla Branch (Part-II) and the petitioner made a bid for work 62918-L, Ext.-I, Bhaini Disty Slice-I (UG Pipeline) in two bid system. As per Annexure P-2, the period of sale of bidding document was from 12.5.2015 10:00 hours onward the time and date of opening of the technical bid was 17.5.2016 10:00 hours onward and further the time and date of the opening of financial bid was 18.5.2016 10:00 hours onward. After the opening of the technical bid, the petitioner and respondents No.4 and 5 were found eligible and thereafter, their financial bids (Annexures P-3 to P-5, respectively) were opened. The petitioner being the lowest bidder was entitled to the allocation of work. However, respondents No.2 and 3 vide order dated 17.6.2016 (Annexure P-6) approved the rates of respondent No.4 and allotted the work to him. The petitioner sent a representation dated 25.6.2016 (Annexure P-7) to respondent No.2 for allotment of work to it being the lowest bidder, but to no effect. Thereafter, the petitioner moved another representation dated 28.6.2016 (Annexure P-8) to the Technical Advisor to Chief Minister, Punjab for intervening in the matter and for allotment of work to the petitioner, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved representations dated 25.6.2016 (Annexure P-7) and dated 28.6.2016 (Annexure P-8) to respondent No.2 and Technical Advisor to Chief Minister, Punjab, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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 take a decision on the representations dated 25.6.2016 (Annexure P-7) and dated 28.6.2016 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and respondent No.4 within a period of 15 days from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 12, 2016
gbs

(RAMENDRA JAIN)
JUDGE