

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 14178 of 2016

Date of Decision: 20.7.2016

Pankaj Arora

....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. Pankaj Arora, petitioner in person.

AJAY KUMAR MITTAL, J.

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of certiorari for quashing the financial bid dated 23.6.2016 (Annexure P-6) of respondent No.5, opened on 12.7.2016 being found non-responsive on 22.6.2016 (Annexure P-2) when the technical bid was opened. Further, a writ of mandamus has been sought directing respondents No.3 and 4 to reject the financial bid of respondent No.5 and to consider the allotment of work in favour of the petitioner.

2. The petitioner is a A-Class Government Contractor and had executed various works assigned to him from time to time. In May, 2016,

the official respondents invited bids vide tender notice (Annexure P-1) through E-tendering System for Package-1 Providing Augmentation of Water Supply Scheme for Village Phullanwal, Block Ludhiana-I, District Ludhiana (under Punjab Rural Water and Sanitation Sector Improvement Project) with Sub Component-1a. The last date for receipt of bid was 20.6.2016. In pursuance thereto, the petitioner along with three other bidders including respondent No.5 participated in the tender process for the above said works. The technical bid was opened on 22.6.2016. The bid submitted by respondent No.5 was declared non-responsive as it did not qualify the criteria of satisfactory completed the requisite contract. The financial bid of the other eligible bidders including that of the petitioner was to be opened on 23.6.2016 but the same was postponed to 12.7.2016. Respondent No.5 was granted an opportunity to raise objections within five working days. As per details dated 22.6.2016 (Annexure P-2) regarding qualification and disqualification of the bidders after opening the technical bid recorded by respondent No.4, the technical bid of respondent No.5 was found non-responsive. Accordingly, the petitioner made a representation dated 8.7.2016 (Annexure P-3) to respondent No.4 for rejecting the financial bid of respondent No.5, but to no effect. Thereafter, the petitioner sent e-mail dated 9.7.2016 (Annexure P-4) to respondents No.3 and 4 and also to the representative of the World Bank, namely, Ms. Sangeeta Patel that respondent No.4 was not obeying the instructions issued by the World Bank and was making attempts to open the financial bid of respondent No.5 though the same was found non-responsive while opening the technical bid on 22.6.2016. When no action was taken thereon, the petitioner again sent e-mail on 11.7.2016 (Annexure P-5) to them for not opening the financial

bid of respondent No.5. However, the financial bid dated 23.6.2016 (Annexure P-6) of respondent No.5 has been opened on 12.7.2016 by respondent No.4 and respondents No.3 and 4 are in the process of issuing allotment of the work in question in favour of respondent No.5. Hence, the present writ petition.

3. The petitioner submitted that for the relief claimed in the writ petition, he has sent a representation dated 8.7.2016 (Annexure P-3) to respondent No.4, but no action has so far been taken thereon.

4. After hearing the petitioner in person, 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.4 to take a decision on the representation dated 8.7.2016 (Annexure P-3), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and respondent No.5 within a week from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 20, 2016
gbs

(RAMENDRA JAIN)
JUDGE