

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 16044 of 2016

Date of Decision: 9.8.2016

M/s Royal Deep Construction Pvt. Ltd., Kothe Phulla Singh Wale, Bathinda

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. R.K. Girdhar, 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 minutes of meeting dated 1.8.2016 (Annexure P-3) vide which its bid had been declared non-responsive on the ground that the petitioner do not fulfil the bid capacity as per Clause 4.6 of Section 1 of Instruction to Bidders of approved DNIT. Further a writ of mandamus has been sought directing respondents No.3 and 4 to consider the bid of the petitioner.

2. Respondent No.1 vide Standard Bidding Document dated 30.6.2016 (Annexure P-1) invited bids for construction of works, i.e. Periodic Renewal from Km. 315.00 to Km. 348.550 on NH-10 Section Dabwali-Malout. In pursuance thereto, the petitioner and respondents No.5 to 11 submitted their respective bids. The petitioner submitted its bid by

transferring the funds vide receipt dated 25.7.2016 (Annexure P-2). The petitioner was fully eligible for consideration qua the work in question as it fulfilled the entire criteria as laid down in the Standard Bid Document. The petitioner worked out the bid capacity of ₹ 2048.68 lacs as per escalation and enhancement factor. The technical bids were evaluated on 1.8.2016 by the Technical Evaluation Committee. However, the technical bid of the petitioner was considered as non-responsive on the ground that the petitioner had not the sufficient bid capacity as per Clause 4.6 of Section 1 of 'Instruction to Bidders' of the approved DNIT. The Technical Evaluation Committee vide minutes of meeting dated 1.8.2016 (Annexure P-3) recommended for opening of financial bids of five technically responsive bidders on 8.8.2016. The petitioner requested respondents No.2 to 4 to consider the bid submitted by it and to open its financial bid, but to no effect. Accordingly, the petitioner moved a representation dated 4.8.2016 (Annexure P-4) to respondent No.4 with copies to respondents No.2 and 3 against the declaration of its technical bid as non-responsive and for clarification regarding escalation and enhancement factor as per Clause 4.5.2, 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 sent a representation dated 4.8.2016 (Annexure P-4) to respondent No.4 with copies to respondents No.2 and 3, 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.3 to take

a decision on the representation dated 4.8.2016 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one week from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 9, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No