

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 16211 of 2016

Date of Decision: 11.8.2016

Khem Singh

....Petitioner.

Versus

Food Corporation of India, New Delhi and others

...Respondents.

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

PRESENT: Mr. Anurag Chopra, 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 mandamus directing respondent No.2 to consider his tender bid dated 20.6.2016 (Annexure P-2) for Transport Contractor (TC), Ahmedgarh pursuant to the tender inquiry dated 21.6.2016 (Annexure P-1). Further, a prayer has been made directing respondent No.2 to consider the letters dated 29.7.2016 (Annexure P-7), dated 31.7.2016 (Annexure P-8) and the representation dated 2.8.2016 (Annexure P-9) sent by the petitioner in pursuance to the letter dated 26.7.2016 (Annexure P-6) issued by respondent No.2. Also a writ of prohibition has been sought restraining respondent No.2 from allotting the work for TC Ahmedgarh without considering the documents and the technical bid submitted by the petitioner.

2. Respondent No.1 vide tender inquiry dated 21.6.2016

(Annexure P-1) initiated inquiry for appointment of TC at Ahmedgarh. In pursuance thereto, the petitioner submitted its bid dated 20.6.2016 (Annexure P-2). Besides the petitioner, respondents No.3 and 4 also submitted their respective bids dated 18.6.2016 (Annexure P-3) and dated 19.6.2016 (Annexure P-4). The petitioner submitted objections to respondent No.2 against the bid of respondent No.4, but to no effect. Respondent No.3 filed CWP No. 12853 of 2016 seeking a direction to respondent No.2 for disqualification of the bid of the petitioner for TC, Ahmedgarh with a further direction to decide his representation. This Court vide order dated 28.6.2016 (Annexure P-5) disposed of the said writ petition with a direction to respondent No.2 to decide the representation dated 21.6.2016 of respondent No.3. Thereafter, respondent No.2 vide letter dated 26.7.2016 (Annexure P-6) sought clarification of the petitioner with regard to the audited profit and loss statement. In pursuance to the letter, Annexure P-6, the petitioner submitted the new trading account, profit and loss balance sheet vide letters dated 29.7.2016 (Annexure P-7) and dated 31.7.2016 (Annexure P-8). Thereafter, the petitioner moved a representation dated 2.8.2016 (Annexure P-9) to respondent No.3 and the Deputy General Manager and Assistant General Manager giving clarification of the earlier documents and the revised documents sought by respondent No.2 in the form of trading, profit and loss account dated 31.3.2016. The profit and loss account statement dated 20.9.2014 (Annexure P-10) was submitted with a clerical mistake by the petitioner with the tender and thereafter the rectified profit and loss statement dated 20.9.2014 (Annexure P-11) was submitted by the petitioner as sought by respondent No.2. The petitioner sent a complaint dated 4.8.2016 (Annexure

P-12) to respondent No.2 against respondent No.5 for rejecting his tender with malafide intention. The Food Corporation of India vide letters dated 12.10.2012 and 4.2.2013 (Annexures P-13 and P-14, respectively) granted opportunity to the petitioner to submit/clarify his bid through additional documents. However, the claim of the petitioner was rejected by respondent No.2. 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 letters dated 29.7.2016 (Annexure P-7), dated 31.7.2016 (Annexure P-8) and the representation dated 2.8.2016 (Annexure P-9) to respondent No.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.2 to take a decision on the letters dated 29.7.2016 (Annexure P-7), dated 31.7.2016 (Annexure P-8) and the representation dated 2.8.2016 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of ten days from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 11, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No