

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 16226 of 2016

Date of Decision: 11.8.2016

Sunil Kumar

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. L.S. Sidhu, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Through the instant 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 Resolution No. 102 dated 27.5.2016 (Annexure P-8) deciding to cancel the contract of the petitioner for collection of bus entry fee and night parking fee and for inviting fresh bids for awarding the contract for the same work. Further, a prayer has been made directing the respondents to allow the petitioner to continue with the contract for the period from 1.4.2016 to 31.3.2017 for which the same had been awarded in his favour.

2. Respondent No.5 issued a public notice dated 4.3.2016 (Annexure P-1) inviting open bidding for awarding the contracts for various works inside the Bus Stand, Mansa including collection of bus entry fee and night parking fee for the period from 1.4.2016 to 31.3.2017. As per the

conditions of the contract, Annexure P-2, for collection of bus entry fee and night parking fee, all the bidders were required to deposit an amount of ₹ 3,00,000/- as earnest money and the successful bidder was required to deposit ₹ 3,50,000/- as guarantee amount. The bidding was conducted on 22.3.2016. Four persons including the petitioner participated in the bidding by depositing earnest money of ₹ 3,00,000/- each on 22.3.2016 (Annexure P-3). The petitioner gave the bid of ₹ 35,05,000/- against the reserve price of ₹ 35,00,000/-. As per the auction sheet dated 22.3.2016 (Annexure P-4), the petitioner being the highest bidder, his bid was accepted and the same was forwarded for approval. The petitioner deposited the security amount of ₹ 3,50,000/- vide receipt dated 22.3.2016 (Annexure P-5) with the Municipal Council, Mansa. Respondent No.5 called for the report regarding the contract for the previous year which was made by the Auction Clerk vide report, Annexure P-6. On the report of the Auction Clerk, respondent No.6 vide report dated 22.3.2016 (Annexure P-7) reported that since the bid amount is less than the amount of bid for the last year, the confirmation/ approval of the contract would not be in the interest of the Municipal Council. The petitioner started collecting the bus entry fee and night parking charges as per the conditions of the contract. In the meantime, a 'No Confidence Motion' was passed against the President of the Municipal Council, Mansa. The Senior Vice President, assumed the charge of the acting President. A special and general meeting of respondent No.5 was held on 27.5.2016 and various resolutions including Resolution No.97 were passed. Vide Resolution No.97, Senior Vice President was given the powers to act as Officiating President till the time the election to the post of President was conducted. Vide Resolution dated 27.5.2016 (Annexure P-8),

it was decided that since the contract for collection of bus entry fee and night parking fee awarded in favour of the petitioner was less than the contract amount of the previous year, the said contract be cancelled and be again put to auction. Accordingly, the petitioner moved a representation dated 29.6.2016 (Annexure P-9) to the Sub Divisional Magistrate, Mansa against the cancellation of contract for collection of bus entry fee by the Municipal Council, Mansa, 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 29.6.2016 (Annexure P-9) to the Sub Divisional Magistrate, Mansa, 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.6 to take a decision on the representation dated 29.6.2016 (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 15 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