

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 17068 of 2016

Date of Decision: 23.8.2016

Lovelin Enterprises, New Delhi

....Petitioner.

Versus

Union of India and others

...Respondents.

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

PRESENT: Mr. A.R. Takkar, 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 decision dated 29.7.2016 of the official respondents in opening the financial bid of respondent No.4 for the management of car park at Chandigarh International Airport despite that respondent No.4 had failed to fulfil the mandatory eligibility criteria as laid down in the Notice Inviting Tender. Further, a writ of mandamus has been sought directing respondents No.1 and 2 to consider the petitioner as L1 and proceed with the allotment of tender in accordance with law.

2. Respondent No.2 vide e-tender (Annexure P-1) for the management of car park at Chandigarh International Airport. The last date for submission of tender on e-portal was 3.5.2016. Respondent No.1 issued a corrigendum-I dated 27.4.2016 (Annexure P-2) laying down various

criteria for the eligibility of the candidate. Again corrigendum-2 was issued

by respondent No.2 on 29.4.2016 (Annexure P-3) stating that respondent No.3 shall have the right to fetch data through Chandigarh International Airport Ltd. e-pose system and the contractor had to pay e-pose charges as per the policy. Thereafter, corrigendum-3 (Annexure P-4) was issued by respondent No.1 extending the date of sale/download of tender documents upto 12.5.2016 and opening of technical bid to 13.5.2016. Another corrigendum-3 dated 12.5.2016 (Annexure P-5) was issued by respondent No.2 extending the date of sale/download of tender document and submission of tender document and opening of financial bid to 20.5.2016. Thereafter, corrigendum-4 dated 23.5.2016 (Annexure P-6) was issued by respondent No.2 extending the date of sale/download and submission of tender document and opening of technical bid to 24.5.2016. In pursuance thereto, the petitioner uploaded their tender online comprising of technical and financial bids, on the e-portal of respondent No.2 along with all requisite documents showing eligibility etc. A total number of seven candidates including the petitioner uploaded their tender. The technical bids were opened on the same day whereas the financial bids were opened on 29.7.2016. The petitioner vide letter dated 29.7.2016 (Annexure P-7) informed respondent No.2 regarding the wrong opening of financial bid of respondent No.4 and about furnishing of wrong turnover details by respondent No.4 in the e-tender for management of car park at Chandigarh International Airport, but to no effect. Thereafter, the petitioner served a legal notice dated 1.8.2016 (Annexure P-8) upon respondents No.2 and 3 for opening of financial bid of respondent No.4 being ineligible, 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 legal notice dated 1.8.2016 (Annexure P-8) 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 legal notice dated 1.8.2016 (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**

**August 23, 2016**  
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**(RAMENDRA JAIN)**  
**JUDGE**

**Whether Speaking/Reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**