

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 17143 of 2016
Decided on : 24.08.2016**

M/s R.S. Labour & Transport Contractor

... Petitioner

Versus

Food Corporation of India and others

... Respondents

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

PRESENT: Mr. Ravi Kant Sharma, Advocate
for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking directions for setting aside the tender process initiated by the respondents against the tender Enquiry dated 06.05.2016 for HTC Rohtak, as the petitioner is fully eligible but has wrongly been disqualified in the technical-bid evaluation dated 12.07.2016 (Annexure P-6) by stating that the original partnership deed dated 06.07.2009 has not been uploaded during the e-tendering process, whereas, the partnership deed dated 10.03.2011 (Annexure P-1) has duly been uploaded and the same fact has been admitted and accepted by the respondent-FCI.

2. After arguing for sometime, learned counsel for the petitioner states that since the tender has not been allotted to respondents No.3 & 4 or to the petitioner, therefore, the present writ petition is premature at this stage. He states that he may be allowed to withdraw the present writ petition with liberty to approach this Court again, as and when any allotment is made and the right of the petitioner is infringed.

3. Dismissed as withdrawn. It shall, however, be open to the petitioner to take recourse to the remedies as may be available to it in accordance with law.

**(AJAY KUMAR MITTAL)
JUDGE**

**(RAMENDRA JAIN)
JUDGE**

August 24, 2016

J.Ram

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No