

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 17530 of 2016

Date of Decision: 29.8.2016

M/s Deep Trading Company, Sunam and another

....Petitioners.

Versus

Krishak Bharati Cooperative Ltd., Punjab, Chandigarh and others

...Respondents.

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

PRESENT: Mr. Manish Kumar Singla, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing the official respondents to consider their tender or in the alternative, they have rejected the tender, then to supply the reasons in writing as despite submitting of application dated 18.7.2016 (Annexure P-3) and served a legal notice dated 28.7.2016 (Annexure P-4), no reasons have been given for not considering their tender.

2. The tender documents dated 10.6.2016 (Annexure P-1) were issued and the tender was to be opened on 28.6.2016. The petitioners applied for tender for railhead, Sunam regarding handling and transportation work, i.e. for H&T Work and also submitted demand draft dated 27.6.2016 for ₹ 50,000/- and experience certificate dated 24.6.2016 (Annexure P-3).

However, the tender was not opened on the said date and again the date was

fixed to 13.7.2016. On the said date, the petitioners were orally told that

their experience certificate in the technical bid cannot be accepted and their tender had been rejected. The petitioners moved an application dated 18.7.2016 (Annexure P-3) to respondent No.2 for recalling the tender, but to no effect. Thereafter, the petitioners sent a legal notice dated 28.7.2016 (Annexure P-4) to respondent No.2 either to supply the reason in writing for not considering/rejecting their tenders or to consider their tender, but no response has been received till date. Even on earlier occasions, the same very experience certificates have been accepted by the respondents. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have served a legal notice dated 28.7.2016 (Annexure P-4) upon respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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 legal notice dated 28.7.2016 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a week from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 29, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No