

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 19377 of 2016

Date of Decision: 19.9.2016

M/s Anup Kumar Singla, Sirsa

....Petitioner.

Versus

Union of India and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE KULDIP SINGH.**

PRESENT: Mr. Kshitij Sharma, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition 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 Conditions C (10) and B (13) in notice inviting tender, Annexure P-1. Further, a writ of mandamus has been sought directing the respondents to allocate the work between L-1 bidders (including the petitioner) in light of the tender dated 13.8.2016 (Annexure P-6) in which the infirmity of allotment of work to a particular/single L-1 bidder has been rectified.

2. Vide tender document dated 11.5.2016 (Annexure P-1), the tenders were invited for tank lorry for road transportation of bulk petroleum products for location of Bathinda. The closing date for submission of tenders was 1.6.2016. However, vide corrigendum dated 26.5.2016 (Annexure P-2), the last date for submission of tender was extended to 10.6.2016. In response thereto, 25 bidders submitted their respective applications. On 23.5.2016, pre-bid meeting was held. The technical bid of all the bidders was accepted. The petitioner vide e-mail dated 19.7.2016 (Annexure P-3) was informed regarding the acceptance of its technical bid.

The date for submission of price bid was notified as 21.7.2016 and the

petitioner was informed through e-mail dated 16.7.2016 (Annexure P-4). As per bid history dated 21.7.2016 (Annexure P-5), the price bids of all the applicants were accepted as L-1 bids. The allotment of work to singly L-1 tenderer had been rectified by the respondents in a subsequent tender dated 13.8.2016 (Annexure P-6) issued in Mumbai containing a specific condition that all the L-1 bidders get work and minimum one tank truck. Accordingly, the petitioner served a legal notice dated 16.8.2016 (Annexure P-7) upon respondents No.2 and 3 for rectification of the tender document, 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 16.8.2016 (Annexure P-7) 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.2 to take a decision on the legal notice dated 16.8.2016 (Annexure P-7), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two weeks from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

September 19, 2016
gbs

(KULDIP SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No