

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 19678 of 2016

Date of Decision: 22.9.2016

M/s Gurmukh Singh and Yashpal, Jalandhar

....Petitioner.

Versus

General Manager, Food Corporation of India, Chandigarh and others

...Respondents.

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

PRESENT: Mr. K.K. Goel, 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 tender notice dated 10.9.2016 (annexure P-5) and all other proceedings arising therefrom for re-inviting tenders of labour cartage work allocated in favour of the petitioner by respondents No.4 and 5. Further, a writ of mandamus has been sought directing the respondents to allow the petitioner to continue to execute the Mandi labour contract awarded vide order dated 12.4.2016 (Annexure P-1) by respondents No.4 and 5.

2. The petitioner was awarded Mandi Transport Contract (MTC) of Partapura East @ 212% ASOR, village Bhode Saprai @ 187% ASOR, Jamsher @ 209% ASOR, Kohala Mandi @ 130% ASOR for all the purchase agencies including Food Corporation of India (FCI) vide order

dated 12.4.2016 (Annexure P-1) as per policy dated 10.3.2016 (Annexure P-2). The contract was awarded to the petitioner being the lowest bidder (L-1) by inviting tenders by the Tender Allotment Committee constituted as per the policy, Annexure P-2 for one year commencing from 1.4.2016 to 31.3.2017. The petitioner deposited the requisite security amount with the District Manager of the purchase agency. After the award of the contract, the petitioner submitted its bill dated 24.6.2016 (Annexure P-3) for executing the work and the sanction thereof was granted by respondent No.4. An agreement dated 5.4.2016 (Annexure P-4) was executed between the petitioner and respondent No.6. Tenders were invited vide publication dated 10.9.2016 (Annexure P-5) for MTC by the FCI in respect of the allocated work for Jalandhar District including Mandies Bhode Saprai, Partapura East, Kohala, Jamsher for storage point (FSD NGM). In response thereto, tender notice dated 10.9.2016 (Annexure P-6) has been issued by respondent No.1 for the Mandies for which the petitioner was executing the allocated work of FCI. The earlier tenders were invited by respondent No.5 vide advertisement dated 10.3.2016 (Annexure P-6A) and in pursuance thereto, the petitioner being the lowest bidder was allotted the contract. Accordingly, the petitioner served a legal notice dated 15.9.2016 (Annexure P-7) upon respondent No.1 for withdrawal of the tender notice dated 10.9.2016 (Annexure P-5) inviting fresh tender for transportation work at Bhode Saprai, Partapura East, Kohala and Jamsher Mandis, Jalandhar cluster, 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

15.9.2016 (Annexure P-7) to respondent No.1, 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.1 to take a decision on the legal notice dated 15.9.2016 (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 ten days from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

September 22, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No