

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 19692 of 2016

Date of Decision: 22.9.2016

M/s Rakesh Kumar & Company, Rattewal, SBS Nagar

....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 Phagwara and all the purchase agencies including Food Corporation of India (FCI) (cluster Phagwara) @ 341% ASOR for a period of one year commencing from 1.4.2016 to 31.3.2017 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. The petitioner deposited the requisite security amount with the District Manager of the purchase agency. The labour cartage contract was awarded to all the purchase agencies, i.e. PUNSUP, PUNGRAIN, Punjab Agro, Punjab Warehousing Corporation including FCI for one year commencing from 1.4.2016 to 31.3.2017 by respondent No.3 vide tender notice dated 10.3.2016 (Annexure P-3). Respondent No.4 issued a letter dated 12.4.2016 that the petitioner had been appointed as Mandi labour and transport contractor of Phagwara Mandi (cluster Phagwara) @ 341% ASOR on basic rate of mandi proforma of DFC upto 31.3.2017 with a right to extension for further three months at FCI option. In pursuance thereto, the petitioner started executing the work and is continuing the same. The petitioner submitted the bill dated 15.4.2016 (Annexure P-4) for the period from 15.4.2016 to 17.5.2016 and the payment thereof was made to the petitioner. An agreement was executed between the petitioner and respondent No.4. Fresh tenders were invited vide publication dated 10.9.2016 (Annexure P-5A) for MTC by the FCI in respect of the allocated work for Phagwara Mandi for storage point (FSD Phagwara, PSWC Mandi yard and PSWC Khalwara). In response thereto, tender notice dated 10.9.2016 (Annexure P-5) has been issued by respondent No.1 for the Phagwara Mandi for which the petitioner was executing the allocated work of FCI. Accordingly, the petitioner served a legal notice dated 12.9.2016 (Annexure P-6) upon respondent No.1 for withdrawal of the tender notice dated 10.9.2016 (Annexure P-5) inviting fresh tender for MLC/MTC at Phagwara Mandi, 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 12.9.2016 (Annexure P-6) 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 12.9.2016 (Annexure P-6), 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