

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 19771 of 2016

Date of Decision: 22.9.2016

M/s Roshan Lal & Company, Karimpur Chahwala, SBS Nagar

....Petitioner.

Versus

Food Corporation of India, Chandigarh and others

...Respondents.

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

PRESENT: Mr. Jastej Singh, 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 mandamus directing the respondents to cancel the e-tenders dated 10.9.2016 (Annexure P-8) inviting bids for carrying out the work of Mandi Transport Contractor (MTC) for KMS (2016-17). Further, a direction has been sought to the respondents to allow the petitioner to continue with the work as per appointment letter dated 12.4.2016 (Annexure P-5) and the agreement (Annexure P-6) executed between the petitioner and respondent No.1.

2. Respondent No.5 on behalf of respondent No.1 issued a policy dated 10.3.2016 (Annexure P-1) for carrying out the work of Mandi Labour Cartage (MLC) and Mandi Transport Contract (MTC) in the State of

Punjab. An advertisement dated 11.3.2016 was given by the respondents for inviting online tenders for carrying out the work of MLC/MTC in various Districts of Punjab. In response thereto, various contractors filed tenders. As per the proceedings dated 19.3.2016 (Annexure P-2), the technical bids of the 54 tenderers including the petitioner were opened on 19.3.2016 in the presence of the Tender Committee and the contractors. The bids of the petitioner and Shri Mohinder Pal were approved vide proceedings dated 22.3.2016 (Annexure P-3). Thereafter, price bid of various contractors was opened and the petitioner being the lowest bidder, was allotted the tender vide proceedings dated 28.3.2016 (Annexure P-4). Thus, the petitioner was appointed as MLC and MTC from 1.4.2016 to 31.3.2017 for RMS-KMS (2016-17) vide appointment letter dated 12.4.2016 (Annexure P-5). In April, 2016 an agreement (Annexure P-6) was executed between the petitioner and respondent No.1. The petitioner carried out the work and also submitted bills after completing the work for RMS (2016-17). As per the payment receipt dated 27.6.2016 (Annexure P-7), the petitioner received the payments for the work carried out. However, when the petitioner was making arrangements for KMS (2016-17), the respondents vide advertisement dated 10.9.2016 (Annexure P-8) invited fresh tenders for the appointment of LTC/MTC to carry out the work pertaining to KMS (2016-17). Accordingly, the petitioner served a legal notice dated 13.9.2016 (Annexure P-9) upon respondents No.1 to 3 for carrying out work for the remaining period as per Annexures P-5 and P-6, respectively for KMS (2016-17), 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 13.9.2016 (Annexure P-9) to respondents No.1 to 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.1 to take a decision on the legal notice dated 13.9.2016 (Annexure P-9), 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