

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 20527 of 2016

Date of Decision: 30.9.2016

The Dulchi Ke Co-op L&C Society Ltd., Ferozepur

....Petitioner.

Versus

Punjab Water Resources Management & Development Corporation Ltd.,
Chandigarh and others

...Respondents.

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

PRESENT: Mr. Tajinder Pal Singh Makkar, 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 order dated 1.9.2016 (Annexure P-3) passed by respondent No.3 vide which its tender had been rejected.

2. The petitioner is a A-Class Government Contractor and is engaged in the business of construction of various works allotted by the departments and other projects of the State of Punjab. As per the Enlistment Certificate dated 1.10.2014 (Annexure P-1) issued by the office of the Superintending Engineer, Construction Circle, Public Work Department, B&R Branch, Ferozepur, the petitioner was enlisted under the category of civil works. Respondents No.2 and 3 issued E-Tender Notice dated 17.8.2016 (Annexure P-2) on the website calling for the tenders on work order basis from the approved contractors. In response thereto, the petitioner submitted its bid for the work at Sr. No.5 of the tender, i.e. 'Lining of Water Course O/L RD 30984/31233-L of Khemkaran Disty'. The bid of the petitioner was rejected vide order dated 1.9.2016 (Annexure P-3) on the ground that the enlistment of the society is within the jurisdiction of

construction circle B&R Ferozepur as mentioned in the enlistment whereas the works of this down falls in the Tarn Taran and Amritsar. The Additional Registrar (I) through Registrar, Co-op Societies, Punjab vide letter dated 28.2.2014 (Annexure P-4) had written to all the Joint/Assistant Registrars within the State of Punjab to follow the directions issued by this Court in CWP Nos. 8326 of 2010 and 1803 of 2014 and directed that there would be no restriction that any Co-op Society cannot work in any other District. Thereafter, the petitioner moved a representation dated 2.9.2016 (Annexure P-5) to respondent No.3 for reconsideration of its bid, 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 the representation dated 2.9.2016 (Annexure P-5) to respondent No.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.3 to take a decision on the representation dated 2.9.2016 (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one week from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

September 30, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No