

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 21766 of 2016

Date of Decision: 20.10.2016

Ram Kumar Contractor

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. R.K. Girdhar, 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 official respondents to reconsider his bid for the work of Reconstruction of Teona Disty. Package RD 52610-63800 (Slice RD 55500-58500); to open his financial bid and also to consider the allotment of the work to the petitioner being L-1. Further, a writ of certiorari has been sought quashing the allotment of work, if any, in favour of respondent No.4.

2. Vide Enlistment Certificate dated 7.10.2014 (Annexure P-1), the petitioner has been enlisted as Class A-II Government Contractor for executing the work upto ₹ 100 lacs and he has successfully executed various works assigned to him from time to time. Vide E-Tender Notice dated 22.9.2016 (Annexure P-2), respondent No.3 invited tenders for the

construction of various works, i.e. Reconstruction of Teona Disty. Badal Minor, Chottian Minor, Deon Minor, Bathinda Branch, New Dhelwan Dist. etc. In response thereto, the petitioner applied for the tender and annexed all the documents including the work done certificates (Annexures P-3 to P-6, respectively). Besides this, the petitioner and respondent No.4 also submitted their respective bids for the work of Reconstruction of Tenoa Disty. Package RD 52610-63800 (Slice RD 55500-58500). The bid (Annexure P-7) submitted by the petitioner was 8.13% lower than the CSR rates, whereas the bid (Annexure P-8) submitted by respondent No.4 was 10% above the CSR rates for the said work. The technical bids were opened on 8.10.2016 but the bid of the petitioner was declared non-responsive without any reason. The financial bid of respondent No.4 had been opened on 10.10.2016 and respondent No.3 was in the process of allotting the work in question in favour of respondent No.4. Accordingly, the petitioner moved a representation dated 12.10.2016 (Annexure P-9) to respondent No.3 for opening its financial 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 a representation dated 12.10.2016 (Annexure P-9) 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 12.10.2016 (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

October 20, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No