

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 22148 of 2016

Date of Decision: 24.10.2016

M/s Laagar Industries Limited, Noorpur, Jalandhar

....Petitioner.

Versus

State of Haryana and another

...Respondents.

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

PRESENT: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Ajaivir 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 consider it for the allotment of tender and permit to participate in the financial bid.

2. Government of Haryana issued a tender notice (Annexure P-1) for chairs, tables and dual desk. In response thereto, the petitioner applied for the said bid on 30.6.2016. As per the certificate (Annexure P-2), the petitioner had done business more than ₹ 62 crores. As per the terms and conditions of the tender notice, Annexure P-1, the petitioner had executed work of more than ₹ 5 crores in Education Department, Delhi, during the year 2013-14 as is apparent from the certificate dated 28.6.2016 (Annexure P-3). Originally, the petitioner consisted of three Directors, namely, S/Shri Sandeep Sobti, Sanchit Sobti and Smt. Supriya Sobti. However, vide

Resolution dated 7.6.2016 (Annexure P-4), Shri Ashok Kumar was added as Director of the petitioner for marketing purposes without any shareholding. The petitioner on coming to know that said Shri Ashok Kumar was blacklisted, it sought his resignation which was tendered by him on 27.6.2016 (Annexure P-5). The said resignation was accepted on the same day and the same was sent by the Chartered Accountant of the Company to the Registrar of Companies vide letter dated 9.7.2016 (Annexure P-6). The technical bid was opened on 5.7.2016. The petitioner was asked to appear before the Technical Committee on 3.8.2016 and it appeared. The petitioner supplied further documents regarding fresh list of Directors, proforma A etc. The Joint Director, District Industries Centre, Karnal had issued a certificate dated 21.6.2016 (Annexure P-7) in favour of the petitioner regarding the production capacity. Respondent No.2 vide letter dated 9.8.2016 (Annexure P-8) sought information from the petitioner and the same was supplied. Respondent No.2 raised an objection that Shri Ashok Kumar had been blacklisted by the Haryana Government on account of his unbusiness like dealings and asked the petitioner to submit the clarification and supply a list of Directors as on the date of technical submission of the bid duly certified by the Chartered Accountant and a list of shareholders as on the date of technical submission. The petitioner supplied the list of Directors as on 30.6.2016 (Annexure P-9) and the list of shareholders (Annexure P-10) along with the list of Directors. When the financial bid was opened on 8.10.2016 and the petitioner was not called, the petitioner moved a representation dated 13.10.2016 (Annexure P-11) to respondent No.2, 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 moved a representation dated 13.10.2016 (Annexure P-11) to respondent No.2, 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.2 to take a decision on the representation dated 13.10.2016 (Annexure P-11), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two weeks from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

October 24, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No