

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 22242 of 2016

Date of Decision: 25.10.2016

The Narwana Rajendra Coop. L&C Society Ltd., Narwana, Jind

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Ms. Tanvi Jain, 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 follow the notification dated 19.4.2012 (Annexure P-5) issued by the Government of Haryana, Corporation Department regarding which the tender upto ₹ 30 lacs would be reserved for the Cooperative Labour and Construction Society and to allot the tender to the petitioner which had applied for 9 tenders out of 23 tenders.

2. The petitioner-society is registered under the Cooperative Society in the name of 'The Narwana Rajindra Cooperative Labour and Construction Society Ltd., Narwana vide registration certificate dated 8.12.2009 (Annexure P-1). Shri Rajat Goyal, the President of the Society has been authorized to file the present writ petition vide Resolution dated

7.10.2016 (Annexure P-2). Respondent No.3 invited the online 23 tenders vide tender notice dated 14.9.2016 (Annexure P-3) along with instructions (Annexure P-4) for various development works in Municipal Area, Julana. In response thereto, the petitioner applied for 9 tenders out of 23 tenders. Government of Haryana, Department of Corporation issued a notification dated 19.4.2012 (Annexure P-5) that the work costing upto ₹ 30 lacs would be reserved for Cooperative Labour and Construction Society. The Engineer-in-Chief, Public Health, Engineering Department, Panchkula, wrote a letter dated 29.11.2012 (Annexure P-6) to all the Superintendent Engineers, Public Health Engineering Circles in Haryana State regarding the implementation of the notification, Annexure P-5. The petitioner moved a complaint dated 7.10.2016 (Annexure P-7) to respondent No.3 for the allotment of tender invited by the Municipal Committee, Julana for the development works, but to no effect. The other Municipal Councils/Committees follow the instruction issued by the Government dated 19.4.2012 (Annexure P-5) and invite the tender only for L&C Society having cost upto ₹ 30 lacs for the development of the Municipal area and one such notice dated 3.10.2016 (Annexure P-8) was issued by the Municipal Council, Thanesar. Further, various Gram Panchayats of Block Julana District Jind also invite tenders for various developments works through advertisements including advertisement (Annexure P-9) and in the said tenders, condition No.5 clearly shows that the Cooperative L&C Society is reserved upto work of ₹ 30 lacs. The Superintendent Engineer, Sonapat issued a certificate dated 15.5.2014 (Annexure P-10) for renewal of the petitioner valid upto 31.3.2017 and also declared the petitioner fit for enlistment in Haryana PWD (B&R), Branch upto tender limit of ₹ 50 lacs.

Various departments allotted the tenders to the petitioner and the petitioner carried out the work as per specification and in time which is discernible from the certificates (Annexures P-11 to P-13, respectively). The petitioner is also registered under the Central Sales Tax Act vide certificate dated 1.10.2014 (Annexure P-14). As per application, Annexure P-15, only the petitioner was Cooperative L&C Society in all the nine tenders applied by it and the others who applied were the contractors. 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 7.10.2016 (Annexure P-7) 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 7.10.2016 (Annexure P-7), 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 25, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No