

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 23452 of 2016

Date of Decision: 11.11.2016

Harpreet Singh

....Petitioner.

Versus

The 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 certiorari for quashing the communication (Annexure P-4) vide which his technical bid has been disqualified and to quash the allotment of work, if any, in favour of respondent No.5 as the rates quoted by respondent No.5 are much higher than the rates quoted by the petitioner. Further, a writ of mandamus has been sought directing the official respondents to reconsider the bid of the petitioner for the work of Providing and Installing 8 Numbers of New Tubewell of size 200 mm id straight upto 300 meter depth with any Rig of Water Supply Scheme Naya Gaon and Kansal, Block Kharar, District SAS Nagar and to open his financial bid and to consider the allotment of the work being L-1.

2. The petitioner has been enlisted as Class 1-A Government

Contractor and had executed various works assigned to him from time to time. Vide Tender Notice (Annexure P-1), respondent No.4 invited tenders for the work of Providing and Installing 8 Numbers of New Tubewell of size 200 mm id straight upto 300 meter depth with any Rig of Water Supply Scheme Naya Gaon and Kansal, Block Kharar, District SAS Nagar. As per the Tender Notice, each bidder in his name should have executed three similar works costing not less than the amount equal to 40% of the estimated cost, i.e. ₹ 70.94 lacs. In pursuance thereto, the petitioner submitted his bid along with the Work Done Certificates dated 11.2.2016 (Annexure P-2) and dated 23.5.2016 (Annexure P-3). Along with the petitioner, respondent No.5 and four other contracts had also submitted their respective bids. The technical bid was opened on 4.11.2016. However, the technical bid of the petitioner was rejected on the ground that the petitioner had submitted the certificates combined tender of three components and had not submitted the certificates of executing three number of works whose minimum completion amount was ₹ 70.94 lacs of each work. The petitioner was informed about rejection of his technical bid vide communication (Annexure P-4). Accordingly, the petitioner moved a representation dated 5.11.2016 (Annexure P-5) to respondent No.1 for opening his 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 5.11.2016 (Annexure P-5) to respondent No.1, 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 5.11.2016 (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and respondent No.5 within a period of ten days from the date of receipt of certified copy of the order.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**November 11, 2016**  
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**(RAMENDRA JAIN)**  
**JUDGE**

**Whether Speaking/Reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**