

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.25791 of 2015
Date of Decision : 25.02.2016.**

Manjeet Singh Janda

.....Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI**

Present : Mr.S.S.Rangi, Advocate with
Mr. A.S.Sidhu, Advocate for the petitioner.
Mr. Ashwani Talwar, Addl. Advocate General Punjab with
Mr. Sunil Kumar Vashisht, Asst. Advocate General Punjab.
Mr. Gurminder Singh, Sr. Advocate with
Mr. R.P.S.Bara, Advocate for respondent No.6.

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

The petitioner has challenged the respondents' action in conducting a draw of lots among the bidders who allegedly submitted the same bids. We by our detailed order dated 11.02.2016, referred to the controversies and the relevant provisions of the notice inviting tender. This order disposing of the petition must be read along with our order dated 11.02.2016. Pursuant to our order dated 11.02.2016, the Manager Business Development, ITI Limited, New Delhi (Service Provider-SP) has filed an affidavit confirming that when a bidder quotes a bid which is already quoted by another bidder, it is not accepted by the system. In other words, the report confirms the respondents' contention that there was a technical problem in the system.

2. The respondents' contention is that the 6th respondent's bid being the same as that of the petitioner, the system rejected his bid. If this is true, the official-respondents having resorted to a draw of lots amongst the bidders with the same amount cannot be faulted and the same is in fact in conformity with clause-6 of the notice inviting tender. There is no reason for us in this writ petition without the benefit of any oral evidence to doubt the statements of the software engineer and the respondents. A draw of lots was carried out in the presence of a former Judge of this Court and senior officers of the government. Thus, even assuming that the petitioner's grievance against the official respondents and the software system is justified there was no justification in rejecting the bids of the other bidders for that reason.

3. In the circumstances, the petition is dismissed. The petitioner is always entitled to adopt appropriate proceedings for appropriate reliefs in respect of the contention that the allegation that there was a '*glitch*' in the system is false.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

25.2.2016
Manoj Bhutani

(ARUN PALLI)
JUDGE