

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 25850 of 2016

Date of Decision: 14.12.2016

M/s Dhotra Construction Company, Pathankot

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. Rajeev Dev Sharma, 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 tender No.1 mentioned in the E-Tender Notice dated 25.10.2016 (Annexure P-1) opened in favour of respondent No.4 and to restrain respondents No.2 and 3 not to allot the above said tender in favour of respondent No.4 or to stay the execution of the work mentioned in the tender. Further a writ of mandamus has been sought directing respondents No.2 and 3 to allot the tender in favour of the petitioner being the lowest bidder.

2. Respondents No.2 and 3 invited the tender vide E-Tendering Notice dated 25.10.2016 (Annexure P-1) for the construction of Dyke on D/S Portal of Tuneel T-2 at RSD Project. Thereafter, they issued a corrigendum (Annexure P-2). In response thereto, the petitioner applied for the said tender on 7.11.2016. The petitioner was disqualified on 18.11.2016. However, the said tender was allotted in favour of respondent No.4 on 21.11.2016 inspite of the fact that the bid given by the petitioner

was lowest than respondent No.4. The petitioner moved the representations dated 29.11.2016 (Annexure P-4) and dated 8.12.2016 vide postal receipt dated 29.11.2016 (Annexure P-5) to respondent No.3 for specifying the reason for its disqualification, but to no effect. Thereafter, the petitioner sent another representation dated 9.12.2016 (Annexure P-6) vide postal receipt dated 9.12.2016 (Annexure P-7) to respondent No.2 for opening their bid, but no response has been received till date. As per the tenders (Annexures P-8 and P-9, respectively) submitted by the petitioner and respondent No.4, the bid given by the petitioner was lower than respondent No.4. 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 9.12.2016 (Annexure P-6) 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 9.12.2016 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and respondent No.4 within a period of ten days from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

December 14, 2016
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(RAMENDRA JAIN)
JUDGE