

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.4563 of 2016 (O&M)
DATE OF DECISION: 07.04.2016

Subhash Chand

....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. Naresh Gopal Sharma, Advocate for the petitioner
Mr. Alok Jain, Addl. Advocate General, Punjab
Mr. R.K. Girdhar, Advocate for respondent No.5
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S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

The petitioner has challenged the respondents' decision rendering his bid ineligible on the ground that he has not complied with certain mandatory provisions of the terms and conditions of the notice inviting tenders.

2. The respondents invited bids for the construction of certain works. The following terms and conditions are relevant:-

"4.2 Necessary documents for qualification of potential bidders shall be included in the "Technical Bid towards qualification". The bidders shall upload the following along with information detailed in Section 3:

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- (iii) List of equipment and machinery available with documentary proof of ownership/Hire (undertaking by owner of machinery) and machinery proposed for deployment for execution of work.
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- (vii) Details of Technical personnel proposed to be employed for the Contract having the requisite qualifications and experience.

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- (xi) The proposed methodology and programme of construction including Environment Management Plan, backed with equipment, materials and manpower planning and deployment duly supported with broad calculations and Quality Assurance Programme to be followed, justifying their capability of execution and completion of the Works as per Technical Specifications and Standards and within the stipulated Intended Date of Completion.
- 4.5
- A.
- B. Each bidder should further demonstrate
- (a) Availability of the key and critical equipment for this work in Format 2-3:
- (b) Availability of personnel with adequate experience for this work in Format 2-4.
- (c) Liquid asserts and/or availability of credit facilities (Format 2-5) not less than amount indicated in Appendix to ITB."

3. The petitioner has not complied with any of the above provisions. He has not furnished the undertaking by the owner of the machinery as required by Clause 4.2(iii) nor has he provided the details of technical personnel proposed to be employed for the contract having the requisite qualification and experience. He has also not furnished the proposed methodology and programme of construction.

4. Further, the petitioner has not provided any of the details as required by Format 2-3 and Format 2-4 as required by Clause 4.5B. For instance, Format 2-3 requires details of the equipments. The details include the make and capacity, age and condition and the remarks from the vendor of the machinery. Details are also required as to the nature of the petitioner's right to the machinery, namely, ownership or lease and whether the machinery is already procured or to be procured.

5. Format 2-4 requires details of the key personnel including their names, qualifications, years of experience and years of experience in the proposed position. All that is stated in the format and that too generally is that sufficient technical personnel will be deployed after the allotment of the work. This is not sufficient. In order to evaluate the tender, the respondents were entitled to know and the petitioner was bound to furnish the details as required.

6. In the circumstances, the petition is dismissed.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

07.04.2016
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(ARUN PALLI)
JUDGE