

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

**Civil Writ Petition No.4610 of 2016 (O&M)**  
**DATE OF DECISION: 29.03.2016**

M/s Jyoti Electricals Engineers and Contractors  
.....Petitioners  
versus

Municipal Corporation, Chandigarh and others  
.....Respondents

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

Present: Mr. S.P. Garg, Advocate for the petitioners  
Ms. Deepali Puri, Advocate for the respondents  
..

**S.J. VAZIFDAR, ACTING CHIEF JUSTICE** (Oral):

The petitioners have challenged a fresh tender process initiated by the respondents.

2. E-tenders were invited pursuant to a previous tender process for providing HT LT power supply for multilevel parking at Chandigarh. The petitioners were L-2 having bid an amount of Rs.1.42 crores for performing the said work. The L-1 had submitted a bid of Rs.1.25 crores. However, upon the petitioners' representation, the I<sup>st</sup> respondent further considered the said L-1's bid and found the same to be ineligible. The first respondent accordingly rejected the said L-1's bid.

3. The petitioners now contend that they ought to be granted the contract as they were the L-2 bidders. They contend that the first respondent was not entitled to undertake the fresh

tender process, which has been impugned in this petition. We do not agree.

4. The party inviting tenders is not bound to accept the highest tender much less the next highest tender. We do not see any *mala fides* on the I<sup>st</sup> respondent's part in inviting the fresh tenders. There was a difference of Rs.17 lacs between L-1 and L-2 in the earlier tender process. The I<sup>st</sup> respondent believed that it could obtain better rates by initiating a fresh tender process. Its belief was apparently well-founded, as in the fresh tender process the L-1's bid was Rs.1.35 crores. We appreciate that the difference is not substantial but that is not the question. The question is whether the I<sup>st</sup> respondent acted *bona fide* in initiating a fresh tender process or not. From the facts and circumstances of the case, we believe it has.

5. The petition is accordingly dismissed.

**(S. J. VAZIFDAR)**  
**ACTING CHIEF JUSTICE**

29.03.2016  
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**(ARUN PALLI)**  
**JUDGE**