

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

**CWP No. 6212 of 2016
Date of decision : 12.7.2016**

Gaurav Kumar

.....Petitioner

v.

Food Corporation of India and others

.....Respondents

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

Present : Mr. Anurag Chopra, Advocate, for the petitioner

Mr. K.K. Gupta, Advocate, for respondents No.1 and 2

Mr. S.K. Verma, Advocate, for respondent No.3

Ajay Kumar Mittal, J.

1. The petitioner has approached this Court seeking issuance of a writ of mandamus for declaring the action of respondent No.2 in accepting the technical bid submitted before respondent No.3 in response to E-Tender issued by respondent No.2 for appointment of Handling and Transport Contractors vide letter dated 30.3.2016 (Annexure P/6), as legally unsustainable.

2. In the short reply filed by respondents No.1 and 2, it has been stated that a tenderer was required to fill up the column contained in the Appendix-I (Model Tender Form) mentioning the period for which the offer shall remain open for acceptance. It has been averred that the said column remained unfilled and was left blank by respondent No.3.

3. Learned counsel for the respondents relied upon the judgments of

this Court in **Khem Singh v. Food Corporation of India and others** (CWP No. 23472 of 2015) and **Jagtar Singh Sadhu Singh v. Food Corporation of India and another** (CWP No. 3540 of 2016), wherein it has been held that the Tender Form will be non responsive on account of not having filled the period for which the tenderer agrees to keep the offer open for acceptance and accordingly, the bid of such applicant shall be rejected.

4. It was also submitted that in view of order of even date passed in CWP No. 7082 of 2016 titled “M/s D.M. Trading Company v. Food Corporation of India and others” filed by respondent No.3, which has been dismissed by this Court, the present writ petition has been rendered infructuous and the same may be disposed of as such.

5. The above fact has not been disputed by learned counsel for the petitioner.

6. Accordingly, the present writ petition is disposed of.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

12.7.2016
Ashwani