

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.7510 of 2016

Date of Decision: 26.5.2016

Angrej Singh

...Petitioner

Vs.

State of Punjab and others

..Respondent

**CORAM: Hon'ble Mr.Justice S.J.Vazifdar, Acting Chief Justice
Hon'ble Mr.Justice Arun Palli**

Present: Mr.ABS Sidhu, Advocate for the petitioner.

Mr.Alok Jain, Addl.AG Punjab.

Mr. Pankaj Sharma, Advocate for respondent No.4.

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

The petitioner is aggrieved by the rejection of his tender for the supply of 120 trucks for lifting of food grain. The respondents rejected the tender on the ground that the petitioner had produced only 39 trucks before the tender committee out of 126 trucks that the petitioner claimed to have available for the purpose of carrying out the work. The tender terms did not require the petitioner to produce the trucks. It is sufficient to produce a list of trucks alongwith copies of the respective Registration Certificates before the District Tender Committee at the spot. The petitioner does not claim to have acquired the trucks from any Truck Union and therefore, that part of the Clause is not relevant.

The official respondents received a complaint regarding the petitioner's claim to have available with him 126 trucks. As it is a matter of transportation of food grain the official respondents understandably wanted to satisfy themselves about the availability of trucks with the petitioner. It is for this reason that the official respondents called upon him to produce the trucks. It is not unreasonable for the official respondents to call upon a bidder to satisfy it that the bidder has the trucks available. It is true that production of the trucks by itself is not the only way of a bidder establishing the availability of trucks. 120 trucks are not required on a given day. The petitioners contend that only 5 to 10 trucks are required in a day. Respondents deny the same. According to them and in any event a majority of the trucks would be required within a span of 3-4 days.

As rightly contended on behalf of the petitioner, it was open to the petitioner to satisfy the respondents in any other reasonable manner that he had available 120 trucks with him. There is some dispute as to when the petitioner was actually called upon to produce the trucks and what the petitioner produced. It is difficult at this stage to express a firm opinion on these disputed questions of fact. Moreover, the respondents contend that more than 90% of the work has already been carried out.

We do not suggest for a moment that the petitioner was unable to perform the contract or that he was unable to satisfy the respondents that he could perform the contract. Due to the short time span available, it is possible that all the facts and material could not produce before the Authorities. These are, however, aspects which would have to be considered as far as this tender process is concerned in the appropriate proceedings.

In view thereof, it is not possible to grant the petitioner reliefs

even of carrying out the work. The petitioner must be relegated to a claim for any other appropriate relief in appropriate proceedings.

The petition is therefore, disposed of with liberty to the petitioner to adopt appropriate proceedings for damages or otherwise. This order does not reflect upon merits of the petitioner's case in any manner whatsoever.

(S.J.Vazifdar)
Acting Chief Justice

(Arun Palli)
Judge

26.5.2016
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