

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Civil Writ Petition No.833 of 2016

Date of Decision:15.01.2016

Jaswinder Singh @ Jasvinder Singh

....petitioner

Versus

Food Corporation of India and others

.....respondents

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

Present: Mr. Kamal Satija, Advocate
for the petitioner

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

The petitioner has challenged the following term in the notice dated 01.01.2016, inviting documents:

Qualification condition for tender:

(1) Tenderer should have experience of Rake Handling and/or transportation duly obtained from Manufacturer/ PSU/Govt.Dept./ Public Ltd. Company/ Private Limited company dealing in the field of fertilizer, food grains, Cement, Sugar, Coarse grains or any other commodity. Tenderer should have executed in any of the immediate preceding five year the work of value (a) At least 25% of the estimated value of the contract to be awarded, in one single contract.

Or

(b) 50% of the estimated value of the contract to be awarded, in different contracts.

(ii) xxxxxxxx

(iii) xxxxxxxx

Note:The year for the purpose of experience will be taken as financial year (1st April to 31st March)

excluding the financial year in which tender enquiry is floated.

We do not see anything irrational or arbitrary in the clause. The term is introduced to ensure adequate experience on the part of the bidders. It is neither unusual nor unfair. The contract involves Rake Handling and/or transport of food grains. The experience is necessary to ensure the continuous and smooth flow of food grains from one location to another. There is nothing irrational or arbitrary in stipulating the period during which the financial year is to be seen namely 1st April to 31st March. In fact, it was necessary to have such a clause to introduce certainty as to the period to be taken into consideration while computing the turn over/experience.

In the circumstances, the petition stands dismissed.

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

**(ARUN PALLI)
JUDGE**

January 15, 2016
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