

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

204

**Civil Writ Petition No.8856 of 2016
Date of Decision:31.05.2016**

The Raipur Co-operative Labour Construction Society Ltd.

....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.Pardeep Kumar, Advocate
for the petitioner

Mr.Rajinder Goyal, Addl. AG Punjab

Mr.Anil Kumar Sharma, Advocate
for respondents No.2 to 4

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

The petitioner has challenged the official respondents having refused to accept his bid and having called for fresh tenders.

The official respondents' decision to invite fresh bids is understandable. There was an error in the notice inviting e-tenders. The cut off time through inadvertence was punched as 05:00 instead of 17:00. Therefore, 12 hours less were stipulated and as a result several bidders were unable to submit their bids.

As it turns out, the decision to invite fresh bids has been a disadvantage to the official respondents so far as the items 6 to 9 for which the petitioner submitted bids. The petitioner had bid 3.33% less than the estimated cost. In the fresh bidding process

the best offer was only 1.2% less than the estimated cost. The petitioner did not submit a bid. However, overall the official respondents benefitted by the fresh tender process on account of higher offers being received for items No.1 to 5 in respect whereof the petitioner had not submitted a bid even earlier. The decision to invite fresh bids, therefore, must be upheld.

It must be mentioned however that as far as items No.6 to 9 are concerned, only one party submitted a bid, which as we noticed earlier was less than the estimated cost. This would justify a fresh tender process.

In view of the above circumstances, the official respondents shall decide whether fresh bids ought to be considered for items No.6 to 9 and not to accept the bid of 1.2% less submitted in the second tender process. The petitioner agrees to submit a bid at least as good as its earlier bid. The decision shall be taken before awarding the work to any party.

The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 31, 2016
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