

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

106

**Civil Writ Petition No.9351 of 2016
Date of Decision:13.05.2016**

M/s G.I.Construction Company

....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.Onkar Singh Batalvi, Advocate
for the petitioner

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

The petitioners have challenged the rejection of their bid on the ground that they were not technically qualified. The respondents by their communication dated 06.05.2016 stated that the petitioners did not fulfil the qualification stipulated in Clause 4.3 (a) and (b) of the bid document. Clause 4.3 reads as under:

4.3 To qualify for award of the contract, each bidder in its name should have:

(a) Achieved a minimum annual financial turnover of Rs.1.50 Crore (in all classes of civil Engineering construction works only) in any one of the last three preceding financial year.

(b) satisfactorily completed in the last five years prior to Feb.2016 as a prime contractor, similar Civil Engineering work having laying of pipes as one of the main component value not less than.

(1) One work amounting to Rs.48.00 Lacs or

(2) Two work amounting to Rs.30.00 Lacs each or

(3) Three work amounting to Rs.24.00 Lacs each

(c) Availability of owned key and critical equipment for this Project as per Annexure-1.

(d) Availability of personnel with adequate experience as required for this work as per Annexure -11;

(e) Liquid assets of amount not less than that indicated in Appendix to ITB

(f) Given to the Employer or his representatives the authority to seek references from the bidder's bankers;

(g) Submitted an undertaking that he will use uPVC pipes manufactured by Jain/Supreme/Finolex/Prince

A. In addition to above, each bidder to be eligible or qualify should have submitted with his technical bid-

(a) An undertaking that he agrees to the terms and conditions of bidding document including the technical requirements and in case there is anything contradictory in his technical proposal with respect to the conditions of bidding document, the latter shall prevail.

(b) The undertakings/affidavits/documentary proofs required as per the qualifying conditions laid down in the Conditions of Particular Application.

It is sufficient to deal with Clause 4.3(a). The petitioners rely upon a certificate dated 05.03.2015 (Annexure P1). The title of the certificate indicates that it was for recording the names of contractors in various categories under Irrigation Department, Punjab. The petitioners rely upon the certificate to the extent that it certifies that the petitioners were eligible to tender for works upto ₹ 2 crores. The petitioners however do not indicate the qualification or the eligibility criteria based on which the certificate was issued. It is possible that the eligibility criteria for issuance of such a certificate is

the same as the eligibility criteria stipulated in Clause 4.3(a) This writ petition, however, does not contain the necessary material for us to arrive at a conclusion in this regard.

Further, there is nothing to indicate that this certificate was forwarded by the petitioners along with their bid as required by the terms and conditions of the notice inviting tenders. It is not possible, therefore, for us to grant any relief in this writ petition.

The petitioners have made representations in this regard to the respondents. The petitioners are at liberty to make further representation indicating the documents and whether the same have been forwarded along with the bid. The respondents shall respond to the same within two weeks of the receipt of the copy of this order.

The petition is disposed of accordingly.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 13, 2016
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