

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

CWP-COM-16 of 2016.
Date of Decision:-03.11.2016

The H.P. State Cooperative Milk Producers' Federation Ltd.

..... Petitioner

Vs.

Union of India and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Gaurav Mohunta, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

Learned counsel for the petitioner has submitted that the respondents have invited Annual Negotiated Contracts for supply of milk and milk products at various stations of Western Command for the period 16.11.2016 to 30.9.2017. The petitioner was also supplied a copy of inviting application for tender in which it is categorically provided that "*sealed tender box will be kept at HQ Western Comd. (ST) from 1000 hours to 1200 hours on 03 Nov 2016 in which sealed tenders will be deposited. Tender box will be opened at 1200 hours onwards at HQ Western Comd. (ST) on the same day*". It is further provided therein that "*tender forms can be obtained from the office of MG ASC, HQ Western Command upto 1200 hours one day prior to the stipulated date of opening of tender i.e. upto 1200h on 02 Nov 2016*".

Learned counsel for the petitioner has submitted that the respondents had informed on 29.10.2016 that the tender form shall not be issued to the petitioner, the NIT was ordered to be withdrawn and the

petitioner was not permitted to participate in the said tendering, scheduled on 03.11.2016. Although, it has been argued vehemently by learned counsel for the petitioner that the impugned action has been taken by the respondents without giving an opportunity of hearing but as the tender form has to be submitted upto 1200 hours, it appears that the petitioner has missed the bus as this order is being passed by this Court at 11:30 AM because it is listed today in the supplementary list and there is hardly any time left for the petitioner to participate in the tender process.

Hence, the present petition is hereby dismissed on this ground alone.

03.11.2016
Vivek

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>