

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

CWP-10590-2017 (O&M)

Date of decision:- 25.05.2017

M/s Sidhi Vinayak Power & Infrastructure

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Tejinder Pal Singh, Advocate,
for the petitioners.

Mr. Harsimran Singh Sethi, Advocate,
for respondents No. 2 to 5.

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S.J. VAZIFDAR, C.J. (ORAL)

The petitioners have challenged the cancellation of the earlier tender process and the initiation of the fresh tender process.

2. According to the petitioners, their bid was the most competitive and that they, therefore, ought to have been awarded the work. In order to ascertain the reasons for cancelling the earlier tender process, we directed the respondents to file an affidavit.

3. The petitioners were not awarded the work. They were only found to be L-1. There was, therefore, no contract between the parties. What must be considered, therefore, is whether the cancellation of the tender process was malafide. In view of what is stated in the affidavit in reply, mala fides are not established. The cancellation of the earlier tender process was not without application of mind either. For instance, under the

earlier tender process, the requirement was for engaging

126 linesmen for the Mohali Circle. The respondents thereafter reassessed their requirements to be 152 linesmen. This would affect the financial aspects. The financial aspects in turn would affect the eligibility criteria. The requisite experience would change in view of the enhancement of the work.

4. In these circumstances, there is no warrant for compelling the respondents to enter into a contract with the petitioners on the basis of the earlier tender process which, at the cost of repetition, did not result into a contract between the parties.

5. The writ petition is accordingly dismissed.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(ANUPINDER SINGH GREWAL)
JUDGE

25.05.2017

Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No