

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

**CWP No.11189 of 2017
Date of decision:23.10.2017**

M/s Goyal Tubewell Store

... Petitioner

Vs.

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. P.S.Sekhon, Advocate
for the petitioner.

Mr. Shireesh Gupta, Senior DAG, Punjab.

Mr. O.P. Gupta, Advocate and
Mr. G.B.Singh Nagar, Advocate
for respondents No.2 to 4.

AJAY KUMAR MITTAL, J. (ORAL)

1. In this writ petition filed under Articles 226 and 227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the impugned memo No.HDM/2017/1948-49 dated 02.05.2017 and e-mail dated 05.05.2017 [Annexure P-2 (colly)]. It has been claimed that vide aforesaid memo and e-mail, the petitioner has been disqualified from the e-tender issued by respondent No.4 for the work mentioned in the e-tender notice at serial nos.5 and 6.

2. On 09.10.2017, learned counsel for respondents No.2 to 4 submitted that the work has been allotted to the petitioner and prayed for

time to file an affidavit.

3. Affidavit dated 21.10.2017 of Dr. Rajinder Singh Sidhu, Registrar, PAU, Ludhiana on behalf of the Panjab Agricultural University, Ludhiana has been filed in Court today, wherein, in para 2, it has been stated that tenders of the petitioner in the matter of digging of New Borewell (Tubewell No.12) and Installation of Gravel Packed Tubewell for the Department of Director (Farms) at PAU, Ludhiana are the lowest and the contract for the same shall be awarded by PAU to the petitioner on the basis of rates quoted in tenders. It has further been stated that the allotment shall be subject to all others terms usual in such contracts. However, in para 3, it has been stated that the petitioner is required to get itself registered under Section 7 of the Building and Other Constructions Worker's (Regulation of Employment and Conditions of Service) Act, 1996 (for short "1996 Act").

4. It was pointed out by the learned counsel for the petitioner that since the petitioner has less than 20 workers, therefore, the provisions of 1996 Act, are not applicable to it and the petitioner is not required to register itself under Section 7 of the said Act. It was, however, submitted that the petitioner shall produce the material before the authorities concerned to substantiate its claim, who should thereupon decide regarding the requirement of registration under 1996 Act. The condition as mentioned in para 4 of the affidavit is not disputed by the learned counsel for the petitioner which reads as under:-

“4. That the payment of 2nd and final bill of the petitioner in respect of the work 'Installation of Gravel Packed Tubewell size 16"x18" and Const. Of Tubewell Chamber size (10'-0" x 12'-0") inside and height 10 ft. at JLH Complex, PAU, Ludhiana' amounting to Rs.96,337.00 is pending since 13.10.2016 with the university due to non-submission of Labour License by the petitioner from the Labour Department in compliance of Hon'ble Apex Court order in Writ Petition (Civil) No.318 of 2016 titled as National Campaign Committee for Central Legislation on Construction Labour (NCC-CL) versus Union of India and others.”

4. However, as per the term and condition No.6 of Annexure R-3, it has been submitted that the work shall be completed within 3 months and the date of commencement shall be treated as from the date of issue of appointment letter.

5. According to learned counsel for the petitioner, the letter having been issued on 18.10.2017, therefore, the period of 3 months may be directed to commence from the date of agreement to be signed by the respondent(s) with the petitioner.

6. Learned counsel for respondents No.2 to 4 has no objection to the aforesaid.

7. Ordered accordingly.

8. In view of the above, it was agreed by learned counsel for the parties that writ petition has been rendered infructuous and prayed that the same may be disposed of as such. Accordingly, the writ petition is disposed of as infructuous.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

October 23, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No