

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 14138 of 2017

Date of Decision: 4.7.2017

M/s Media Solution, Chandigarh

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. Raman Goklaney, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has, *inter alia*, prayed for issuance of a writ in the nature of mandamus directing respondent No.2 to open and consider its price/financial bid in response to the tender notice dated 8.5.2017 (Annexure P-1) for 'Display of Advertisement Panels on the Buses of PRTC (772 owned Buses of PRTC and 126 Buses Hired under KM Scheme) for a period of 3 years'; to direct respondents No.2 and 3 to place on record the order/letter for allotment of tender in favour of respondent No.4 and to direct respondent No.2 not to issue any contract, letter of intent, work order etc. to respondent No.4 pursuant to the letter of allotment of tender allotted to it with reference to tender notice (Annexure P-1).

2. Respondent No.2 vide tender notice dated 8.5.2017 (Annexure P-1) invited tenders for 'Display of Advertisement Panels on the Buses of

PRTC (772 owned Buses of PRTC and 126 Buses Hired under KM Scheme) for a period of 3 years'. In response thereto, the petitioner purchased the tender form and submitted the same after depositing a sum of ₹ 1000/- vide receipt dated 17.5.2017 (Annexure P-2). Clause 5 of the terms and conditions (Annexure P-3) prescribed the eligibility criteria and experience of at least five years in advertising business whereas Clause 6 provided for submission of technical and financial bids. The petitioner and three other tenderers submitted their technical and financial bids. Along with the bids, the petitioner also submitted earnest money by way of draft of ₹ 3 lakhs (Annexure P-4) and all the documents (Annexure P-5). The technical bids of all the tenderers including the petitioner were opened. However, the financial/price bid of the petitioner was not opened on the ground that it was not having the sufficient advertisement experience. Since the petitioner was having advertising experience of more than 20 years, the Tender Committee asked the petitioner to submit the proof for the year 2009 to 2012. The petitioner submitted the proof for the aforesaid period to the Tender Committee vide e-mail dated 18.5.2017 (Annexure P-6). The financial bids of respondent No.4 and Prime Time Advertising Agency were opened and due to the objections raised by the petitioner, the name of the successful bidder was not announced. Accordingly, the petitioner moved a representation dated 19.5.2017 (Annexure P-7) to respondent No.2 to consider its tender and to open the same for the benefit of PRTC, but to no effect. Thereafter, the petitioner moved another representation dated 7.6.2017 (Annexure P-8) to respondent No.2, the Transport Minister, Punjab and the Chief Minister, Punjab for review of the tender process issued vide tender notice dated 8.5.2017 (Annexure P-1) and for opening of the

financial bid of the petitioner, but no response has been received till date.

Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 19.5.2017 (Annexure P-7) followed by another representation dated 7.6.2017 (Annexure P-8) to respondent No.2, the Transport Minister, Punjab and the Chief Minister, Punjab, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representations dated 19.5.2017 (Annexure P-7) and dated 7.6.2017 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and respondent No.4 within a period of one week from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 4, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No