

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 15112 of 2017

Date of Decision: 14.7.2017

M/s Haryana Nav Yuvak Kala Sangam, Meham

....Petitioner.

Versus

State of Haryana and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE AVNEESH JHINGAN.**

PRESENT: Ms. Deepali Puri, Advocate and
Mr. Inderjit Sharma, 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 prayed for issuance of a writ in the nature of mandamus directing the respondents to consider and grant the tender to it for all the four zones being lowest bidder and has experience of doing such work at other places.

2. Respondent No.2 vide tender notice dated 19.1.2017 (Annexure P-1) invited tenders for consultancy services for survey of street vendors and preparation of street vending plan under the scheme of Support for Street Vendors (SSUV) and National Urban Livelihood Mission (NULM) in different Municipal Corporations and Councils. The last date for submission of tender was 14.3.2017 and the technical bid was to be opened on 17.3.2017. In the tender, whole of the State of Haryana was divided into

four zones, i.e. Ambala, Hisar, Rohtak and Gurugram. In pursuance thereto,

the petitioner submitted its bids for all the four zones. As per confirmation letter dated 17.3.2017 (Annexure P-2), the petitioner along with four other firms' documents have been received. The petitioner had been awarded best practice award for street vending plans under NULM and global Achiever Awards in 2016 held at Bangkok as is discernible from the certificate dated 11.11.2016 (Annexure P-3). The technical bid was opened on 17.3.2017 and consequently, a meeting was convened for all the bidders for 26.4.2017. In the said meeting, it was informed that the petitioner had violated Clause 8.2 sub Clause 3 of the tender. The respondents raised an objection that in the affidavit dated 8.3.2017 (Annexure P-4) submitted by the petitioner, the word 'State of Haryana' has not been mentioned specifically and the petitioner was asked to submit a fresh affidavit. The petitioner submitted the fresh affidavit dated 25.4.2017 (Annexure P-5). However, nothing was done. Accordingly, the petitioner moved a representation dated 30.5.2017 (Annexure P-6) to respondent No.2 for grant of tender. Respondent No.2 vide letter dated 16.6.2017 (Annexure P-7) rejected the tender of the petitioner. Thereafter, the petitioner again approached the respondents upon which it was assured that its financial bid would be considered along with the other candidates. The respondents sent e-mails dated 5.7.2017 (Annexure P-8 Colly) to the petitioner for all the four clusters of Ambala, Hisar, Rohtak and Gurugram that the price bid for tender has been opened along with Yashi Consulting Services Pvt. Ltd., Jaipur and Rudrabhishek Enterprises Pvt. Ltd. The petitioner submitted the reply to the said e-mails vide e-mail dated 5.7.2017 (Annexure P-9). However, 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 30.5.2017 (Annexure P-6) to respondent No.2, 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 representation dated 30.5.2017 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of 15 days from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 14, 2017
gbs

(AVNEESH JHINGAN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No