

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 15330 of 2017

Date of Decision: 17.7.2017

M/s Om Parkash

....Petitioner.

Versus

Indian Oil Corporation Ltd. and another

...Respondents.

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

PRESENT: Mr. Kshitij Sharma, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the order dated 7.7.2017 (Annexure P-7) passed by respondent No.2 rejecting its tender. Further, a writ of mandamus has been sought directing the respondents to consider and evaluate the tender of the petitioner in accordance with the Detailed Notice Inviting Tender (Annexure P-1).

2. Respondent No.2 vide tender notice dated 3.3.2017 (Annexure P-1) invited tender for transportation of MEG Bulk through tank trucks Ex. Panipat to Asaoti, Taloja, Chennai and Kolkatta as per requirement. The estimated quantity of work as per Clause 2-a of the said notice was ₹ 682.52 lakhs for a period of three years. In response thereto, the petitioner submitted its bid vide acknowledgment dated 3.3.2017 (Annexure P-2). Respondent No.2 vide letter dated 8.6.2017 (Annexure P-3) informed the deficiencies to the petitioner regarding profit/loss statement, balance sheets of financial years 2013-14, 2014-15 and 2015-16 and to submit the same duly certified by the practicing Chartered Accountant. In pursuance thereto, the petitioner submitted its reply dated 12.6.2017 (Annexure P-4) and attached the income tax returns for the financial years 2013 to 2016

(Annexure P-5 Colly) and the letter of the taxation advisor dated 12.6.2017 (Annexure P-6). However, respondent No.2 vide order dated 7.7.2017 (Annexure P-7) rejected the tender of the petitioner on the ground of 'reject'. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner shall make a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition. He, however, prays that a direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law.

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 granting liberty to the petitioner to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before respondent No.2 within a period of one week from the date of receipt of certified copy of the order. It is directed that in the event of a representation being filed by the petitioner, the same shall be decided by respondent No.2 in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within ten days from the date of receipt of representation.

(AJAY KUMAR MITTAL)
JUDGE

July 17, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No