

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-17238-2017

Date of Decision: 4.8.2017

M/s Balaji Road Lines, Karnal

....Petitioner.

Versus

Food Corporation of India and others

...Respondents.

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

PRESENT: Mr. Ashish Chopra, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the information/order dated 18.7.2017 (Annexure P-5) vide which respondent No.3 had disqualified the technical bid of the petitioner and accepted the technical bid and price bid of Krishan Kumar and Company in response to the E-Tender dated 16.6.2017 (Annexure P-1) for handling and transport contractor. Further, a writ of mandamus has been sought directing the respondents to accept the technical bid of the petitioner and to open its price bid. Also a writ of prohibition has been prayed for restraining the respondents from allotting the work for handling and transport contract of grain at Jhajjar (Talav) Centre, District Rohtak against tender notice dated 16.6.2017 to Krishan Kumar and Company.

2. Respondent No.3 vide e-tender notice dated 16.6.2017 (Annexure P-1) invited tenders for appointment of handling and transport contractor and road transport contractor for various centres at different Districts of Haryana including the appointment of HTC Jhajjar (Talav). The last date for online submission of tender was 6.7.2017 and the technical bids were to be opened on 7.7.2017. Thereafter, the respondents issued a corrigendum (Annexure P-2) after introduction of GST w.e.f. 1.7.2017 and asked the tenderers to deposit the differential amount of ₹ 24/- in addition to the earlier deposited tender fee and also extended the online submission date as 11.7.2017. In pursuance to the e-tender notice, the petitioner submitted its tender dated 11.7.2017 (Annexure P-3) along with Appendix-1 and 2 and forwarding letter as per NIT for appointment as handling and transport contractor for Jhajjar (Talav) Centre under District Rohtak. Krishan Kumar and Company also submitted its tender (Annexure P-4) for appointment as handling and transport contractor for Jhajjar (Talav) Centre under District Rohtak. However, respondent No.3 vide notice dated 18.7.2017 (Annexure P-5) rejected the technical bid of the petitioner. Accordingly, the petitioner moved a representation dated 25.7.2017 (Annexure P-6) to respondent No.3 the document on the basis of which its tender has been rejected, does not have any sort of importance for handling and transport contractor and the tenderer to whom the tender is allotted is also having some mistakes in his tender so he want to go through all the papers of tender again personally in order to make Food Corporation of India benefitted, 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 25.7.2017 (Annexure P-6) to respondent No.3, 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.3 to take a decision on the representation dated 25.7.2017 (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 ten days from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 4, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No