

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

CWP No. 1751 of 2017 (O&M)

DATE OF DECISION : 03.04.2017

K.L. Madan and others

.... PETITIONERS

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Girish Agnihotri, Senior Advocate, with
Mr. Bhuwan Vats, Advocate,
for the petitioners.

Mr. Sandeep Moudgil, Addl. A.G., Haryana.

Mr. Deepak Manchanda, Advocate,
for respondents No.3, 4 and 5 – Municipal Corporations.

Mr. Rose Gupta, Advocate,
for respondent No.6.

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S.J. VAZIFDAR, CHIEF JUSTICE (Oral)

After the matter was heard for some time, it transpires that the eligibility conditions challenged by the petitioners in this petition have not been stipulated by respondents No.3, 4 and 5, who have invited the tenders.

Originally, respondents No.1 and 2 had stipulated the conditions of eligibility in Annexure P-7. Respondents No.3, 4 and 5 – Municipal Corporations were bound to and, in fact, adopted the terms and conditions stipulated in Annexure P-7. Subsequently, on 23.02.2017, respondents No.1 and 2 withdrew Annexure P-7 and left it to the individual

Corporation to stipulate such terms and conditions, as they desired, while inviting tenders.

The three Corporations have issued tenders on the terms and conditions stipulated in Annexure P-9. In the present petition, clause 5.3.1 (ii), (iv) and (xii) of Annexure P-7 were challenged. The learned counsel appearing on behalf of the official respondents states that these conditions have not been stipulated in the present tender process. The petitioners' grievance regarding these terms and conditions, therefore, stands redressed, in view of this statement.

If the petitioners are disqualified for any other reason or on any other ground, they are always at liberty to challenge the same by a separate petition. Needless to say that if the petitioners have been disqualified on the ground that they do not have the eligibility criteria stipulated in clause 5.3.1 (ii), (iv) and (xii) of Annexure P-7, their disqualification cannot stand, for it is their own case that clause 5.3.1 is not adopted in Annexure P-9, which is now operative.

The writ petition is, accordingly, disposed of.

(S.J. VAZIFDAR)
CHIEF JUSTICE

April 03, 2017
ndj

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No