

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

**CWP No. 17631 of 2017
Decided on : 23.10.2017**

M/s Sharma Construction Company

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

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

PRESENT: Mr. Sunil Chadha, Sr. Advocate with
Mr. Dhiraj Mahajan, Advocate
for the petitioner(s) (in CWP No. 17631 of 2017).

Mr. Sanjeev Sharma, Sr. Advocate with
Mr. Gaurav Pathania, Advocate
for the petitioner(s) (in CWP No. 17632 of 2017).

Mr. Shireesh Gupta, Sr. DAG, Punjab.

Mr. R.S. Khosla, Sr. Advocate with
Ms. Ishrat Phulka, Advocate
for respondents No.2 to 5 – Amritsar Development Authority.

Mr. S.K. Manchanda, Advocate for
Mr. A.K. Bansal, Advocate
for respondent No.6.

AJAY KUMAR MITTAL, J. (Oral)

This order shall dispose of CWP Nos. 17631 & 17632 of 2017,
as according to the learned counsel for the parties, the issue involved therein
is identical.

2. In both the writ petitions filed under Articles 226/227 of the
Constitution of India, the challenge has been made to the process of opening
of technical/financial bid of respondent No.6, which according to the
petitioner(s) was not eligible for consideration, as per the mandatory terms

and conditions of the DNIT for work namely “Development of New Urban Estate named as Aero city situated at Amritsar-Ajnala Road, Amritsar including all works pertaining to PH Electrical and Horticulture complete in all respect”.

2. Separate short affidavit of Sh. Narinderjit Singh, Divisional Engineer (Civil), Amritsar Development Authority, dated 08th October, 2017, on behalf of respondents No.2 to 5, had been filed in Court on 10.10.2017, wherein, in para 5, it has been *inter alia* stated that the Government has already decided to cancel the process of DNIT initiated on 10th October, 2016. It has been further stated that fresh tender has been called for executing the work and it would be open for everybody to compete as per the terms of the DNIT. Para 5 of the said short affidavit reads thus:-

“5. That it is in public interest that the present controversy may please be brought to rest, since the Government has already decided to cancel the process of DNIT (Detailed Notice Inviting Tender) initiated on 10.10.2016. Fresh tenders will be called for executing the work in question and it would be open for everybody to compete in the same as per the terms of the DNIT.”

3. In view of the above, since the Detailed Notice Inviting Tender has already been scrapped, therefore, the present writ petitions have been rendered infructuous and are disposed of as such. However, learned counsel for respondent No.6 submitted that liberty be granted to respondent No.6 to take recourse to the remedies as may be available to it, in accordance with law.

4. Needless to say that it shall be open to respondent No.6 to take recourse to the remedies as may be available to it, in case of any grievance against respondents No.2 to 5, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

October 23, 2017

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*