

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-17848-2017 (O&M)

Date of Decision: 18.8.2017

Ashwani Kumar

....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. K.K. Goel, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

CM-11228-2017

Copy of the advertisement inviting tenders, Annexure P-7, filed along with the application is taken on record subject to all just exceptions.

CM stands disposed of accordingly.

CWP-17848-2017

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 certiorari for quashing the order dated 3.8.2017 (Annexure P-1) for non-receipt of earnest money and cost of tender fee. Further, a writ of mandamus has been sought directing the respondents to open the tender of the petitioner.

2. In pursuance to the tender enquiry dated 1.6.2017 for awarding of tender as HTC Banga, District Nawanshahr for a period of two years, the petitioner submitted his tender on 31.5.2017 along with earnest money of ₹ 7,06,400/- after purchasing of the tender form by paying the requisite amount through his banker by way of application dated 31.5.2017 (Annexure P-2) for RTGS/NEFT. In all, four tenders including the tender of the petitioner dated 1.6.2017 (Annexure P-3) were received. The tender of the petitioner was rejected vide order dated 3.8.2017 (Annexure P-1) on the ground that the earnest money was not received within the stipulated date. According to the petitioner, the amount was sent in favour of the Food Corporation of India through RTGS as is discernible from a perusal of passbook, Annexure P-4. Even the petitioner sent a letter dated 31.5.2017 (Annexure P-5) to the Branch Manager, The Nawanshahr Central Cooperative Bank Ltd., B.O. Saroya for debiting the RTGS/NEFT payment from his account. Thereafter, the petitioner sent a legal notice dated 18.7.2017 (Annexure P-6) to respondent No.1 for opening of his bid, 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 served a legal notice dated 18.7.2017 (Annexure P-6) upon respondent No.1, 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.1 to take a decision on the legal notice dated 18.7.2017 (Annexure P-6), in accordance with law by passing a speaking order and after affording an

opportunity of hearing to the petitioner within a week from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 18, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No