

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-18688-2017

Date of Decision: 22.8.2017

M/s Indane Cables, Rohtak

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam, Panchkula and another

...Respondents

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

PRESENT: Mr. P.S. Rana, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for quashing the order dated 21.7.2017 (Annexure P-6) passed by respondent No.2 for not opening its price bid on account of non-qualifying of Clause No. (vii) (wrongly mentioned as Clause No. (viii) in the head note of petition) of Pre-qualification requirements of Notice Inviting Tender (NIT). Further, a writ of mandamus has been sought directing the respondents to open the price bid of the petitioner after holding the petitioner to have qualified the Pre-qualification requirement of the tender.

2. The petitioner is carrying on its business of manufacturing PVC wire and cables and is supplying cables to various Electricity Boards and Government Departments for the last many years. Respondent No.2 issued

(Annexure P-1) for the procurement of LT XLPE Armoured Cables of various sizes for UHBVN and DHBVN containing Pre-qualification conditions. In pursuance thereto, the petitioner submitted its bid dated 23.6.2017 along with tender enquiry No. QH-II/1954, QH-II/1955 and QH-II/1956 (Part-I) (Annexure P-2). The technical bids of the petitioner were opened on 27.6.2017 and having found fully responsive, the petitioner was asked to meet with certain deviations vide letters dated 5.7.2017 and 6.7.2017. On receipt of the said letters, the petitioner vide letters dated 7.7.2017 (Annexures P-3 to P-5, Colly) complied with the same. However, respondent No.2 vide order dated 21.7.2017 (Annexure P-6) informed the petitioner that its price bid shall not be opened on account of non-qualifying of Clause No. (vii) of the pre-qualification requirement of the NIT and asked the petitioner to submit reply upto 28.7.2017. The petitioner on receipt of the order dated 21.7.2017 (Annexure P-6) sent a letter dated 26.7.2017 (Annexure P-7) to respondent No.2 for opening of the price bid, but to no effect. Thereafter, the petitioner moved a representation dated 14.8.2017 (Annexure P-8) to the Additional Director, Office of Director Supplies and Disposal for consideration of its case in HPPC meeting to be held on 16.8.2017, 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 letter dated 26.7.2017 (Annexure P-7) to respondent No.2, 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.2 to take a decision on the letter dated 26.7.2017 (Annexure P-7), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one week from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 22, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No