

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-20322-2017

Date of Decision: 8.9.2017

Kamal Sharma

...Petitioner

Versus

The Director, Transport, Union Territory, Chandigarh and another

...Respondents

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

PRESENT: Mr. Vivek Singla, 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 issuance of a writ in the nature of certiorari for quashing the tender notice dated 8.8.2017 (Annexure P-4) for the allotment of shops/food court at ISBT, Sector 43, Chandigarh. Further, a writ of mandamus has been sought directing the respondents to open the tender dated 9.2.2017 (Annexure P-2).

2. On 23.1.2015, a tender was issued by the respondents and in pursuance thereto, the petitioner applied and deposited the earnest money of ₹ 1,00,000/-. Since, the petitioner was the only bidder, the allotment letter dated 20.2.2015 (Annexure P-1) was issued to him. Due to family circumstances, the petitioner could not open the said shops, therefore, the respondents had forfeited the earnest money deposited by him. Again tender notices dated 4.9.2015 and 22.1.2016 for allotment of shops were issued. However, no one came forward and the same were cancelled. Thereafter, the respondents issued tender notice dated 9.2.2017 (Annexure P-2) and the petitioner submitted his bid dated 9.2.2017 (Annexure P-3) for

₹ 3,81,000/-. The said bid was to be opened on 9.2.2017 at 3.00 PM. However, the said tender was neither opened nor rejected. The respondents issued tender notice dated 8.8.2017 for the fifth time for the allotment of shops including shop Nos. 22 and 23. In response thereto, the petitioner also submitted his bid again for the said shops. When no action was taken thereon, the petitioner filed CWP-19436-2017 which was dismissed as withdrawn by this Court vide order dated 29.8.2017. In pursuant thereto, the petitioner submitted a representation dated 29.8.2017 (Annexure P-5) to respondent No.2 for acceptance 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 sent a representation dated 29.8.2017 (Annexure P-5) 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 representation dated 29.8.2017 (Annexure P-5), 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

September 8, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No