

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-22125-2017

Date of Decision: 27.9.2017

M/s Global Facilities, Landran, SAS Nagar

...Petitioner

Versus

State of Punjab and others

...Respondents

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

PRESENT: Mr. Sanjiv Gupta, 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 communication dated 15.9.2017 (Annexure P-18) vide which the contract for Housekeeping and Security Services etc. has been awarded to respondent No.5. Further, a writ of prohibition has been sought staying the operation of the letter, Annexure P-18.

2. The petitioner is engaged in the business of providing facilities/ utilities and housekeeping services. Previously the contract was awarded to the petitioner vide letter dated 9.9.2014 (Annexure P-1) by the respondents in the year 2014 which expired on 15.9.2017. The said contract was terminated/cancelled by the respondents vide letter dated 4.9.2015. Against

this Court vide order dated 15.1.2016 (Annexure P-2) set aside the said cancellation. As per Clause 18 of the Detailed Notice Inviting Tender, the contract was to be extended upto three years. However, the said contract was not extended and against which the petitioner filed CWP-6965-2016. This Court vide order dated 16.8.2017 (Annexure P-3) disposed of the said writ petition allowing the contract to be continued upto three years, i.e. 15.9.2017. Respondent No.2 vide tender form (Annexure P-4) floated the contract again for the same purpose for the period from 16.9.2017 to 31.3.2018. The Central Vigilance Commission has issued the guidelines vide circular dated 29.4.2014 (Annexure P- 5) that the terms and conditions of the tender notice coupled with form appended thereunder were required to be mandatorily filled up without any tinkering. Condition No.10 was that the information was to be submitted in Excel file and certain terms and conditions were required to be filled up showing the latest challan of deposit of EPF, ESI and GST and the petitioner uploaded the same vide Annexure P-6. Respondent No.5 also uploaded its information (Annexure P-7). The technical bid and the financial bid were to be opened on 13.9.2017. The petitioner submitted the documents vide acknowledgment receipts (Annexures P-8 to P-11, respectively) including the affidavit dated 8.8.2017 (Annexure P-12). According to the petitioner, it was eligible technically as well as financially. However, respondent No.5 did not submit the copy of challan for deposit of GST and despite the same, it was treated as qualified by respondent No.4. There were total four bids including the petitioner and respondent No.5. As per the terms and conditions, the Committee was required to be constituted who shall first held pre-bid meeting and to take objections. However, no opportunity was given to the

petitioner and to any other party or firm and on the same day, the technical bid as well as financial bid were opened. M/s Saini Enterprises was declared unfit technically which submitted its representation dated 15.9.2017 (Annexure P-13) to respondent No.2 for cancellation of the tender and recalling the same. Similarly, the petitioner also moved the representations dated 14.9.2017 (Annexures P-14 and P-15, respectively) to the Chairman and Secretary, Punjab Mandi Board for cancellation of the tender, but to no effect. The petitioner was having excellent record and the certificate dated 5.4.2016 (Annexure P-16) was issued to the petitioner in this regard by the Punjab Mandi Board. A certificate dated 20.9.2017 (Annexure P-17) was issued by respondent No.4 regarding the execution of work from 16.9.2014 to 15.9.2017 by the petitioner. Respondent No.4 vide letter dated 15.9.2017 (Annexure P-18) allotted the work in favour of respondent No.5. Accordingly, the petitioner moved a representation dated 17.9.2017 (Annexure P-19) to respondent No.2 for cancellation of the tender, 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 17.9.2017 (Annexure P-19) 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 17.9.2017 (Annexure P-19), in accordance with law by passing a speaking order and after affording an

opportunity of hearing to the petitioner and respondent No.5 within a period of ten days from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

September 27, 2017
gbs

(AMIT RAWAL)
JUDGE

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