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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24217-2017

Date of decision : 26.10.2017

M/s A &A Gupta Company

... Petitioner(s)

Versus

Union of India and others

... Respondent(s)

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

Present: Mr. Amit Kumar Saini, Advocate
for the petitioner.

AJAY KUMAR MITTAL, J. (ORAL)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, *inter alia*, for issuance of a writ in the nature of *certiorari*, setting aside the order/letter dated 05.07.2017 (Annexure P-8), whereby respondent No.6 has been allotted the tender for provision of Gate Mitras, without considering the Government Notifications dated 17.03.2017 (Annexure P-2) and 20.04.2017 (Annexure P-3). A further writ of *mandamus* has been sought for directing the respondents to consider the bid of the petitioner-firm and to allot the tender for provisions of Gate Mitras.

2. The respondent(s) had invited the tender vide publication dated 31.03.2017, for provision of Gate Mitras at 32 nos. unmanned L-xings for counseling of road users in the jurisdiction of DEN/ASR. The petitioner along with respondent No.6 were also the applicants. The tender was

allotted to respondent No.6 on 05.07.2017. The duration of the tender is one year. The petitioner has approached this Court after more than 3 months of the allotment, for which, no satisfactory explanation has been tendered by the petitioner. In order to substantiate its plea, it was claimed that the whole process of tender was on-line, but the bid of the petitioner which was responsive, had not been appropriately considered and contract allotted to respondent No.6. We do not find any reason or justification to interfere at this stage, in the absence of any allegations of *mala fides* or arbitrariness on the part of the respondent(s) in allotting the contract to respondent No.6. Moreover, the petitioner had not even made any grievance regarding allotment of the tender to respondent No.6 by approaching the Competent Authority.

3. After hearing the learned counsel for the petitioner and perusing the averments made in the writ petition, in view of above, no ground for interference is made out and accordingly, the present writ petition is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

26.10.2017
Yogesh Sharma

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**