

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-25286-2017

Date of Decision: 7.11.2017

Poonam Transport Co., Panipat

...Petitioner

Versus

Haryana State Federation of Consumer Cooperative Wholesale Store Ltd.
and others

...Respondents

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

PRESENT: Mr. Robin Dutt, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the letter dated 17.10.2017 (Annexure P-4) issued by respondent No.2. Further, a writ of mandamus has been sought directing respondents No.1 to 4 to consider the bid of the petitioner and allot the tender in question.

2. Respondents No.1 to 4 called for the tenders for transportation of Public Distribution System (PDS) for the year 2016-17. In response thereto, the petitioner submitted its bid and being the lowest bidder, it was allotted the tender vide allotment letter dated 21.6.2016 (Annexure P-1). Thereafter, the petitioner and respondent No.3 entered into an agreement Annexure P-2. Respondents No.1 to 4 invited the tender vide tender notice

dated 6.3.2017 (Annexure P-3) for District Karnal and other Districts from the transporters to transport the Foodgrains pulses, sugar or any other consumer item to fair price shop under TPDS. However, no bidder came forward to bid and the tender notice was scrapped. Again on 27.7.2017, respondents No.1 to 4 called the bid for transportation and in that bid the petitioner and one Krishan Kumar applied for the tender. The tender was again scrapped because of the high rates quoted in the bid. On 17.8.2017, the bid was again called and the petitioner and one Krishan Kumar again bid for the same. The petitioner being the lowest bidder was called for negotiation and the petitioner negotiated the price for transportation at the rate of ₹ 39.95. However, vide letter dated 17.10.2017 (Annexure P-4), the tender was allotted to respondent No.5 by respondent No.2, who never participated in the bid. Accordingly, the petitioner moved a representation dated 25.10.2017 (Annexure P-5) to respondent No.3 for the allotment of TPDS transport work, but to no effect. Thereafter, the petitioner sent a letter dated 25/27.10.2017 (Annexure P-6) to respondent No.1 for the allotment of work, 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 the representation and letter (Annexures P-5 and P-6, respectively) to respondents No.3 and 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.2 to take a decision on the representation dated 25.10.2017 (Annexure P-5) and the

letter dated 25/27.10.2017 (Annexure P-6), 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 one week from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

November 7, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No