

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 6770 of 2017
Decided on : 23.08.2017**

Gangsar Transport Company

. . . Petitioner

Versus

Food Corporation of India

. . . Respondent

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

PRESENT: Mr. Sehaj Bir Singh, Advocate
for the petitioner.

Mr. J.S. Puri, Advocate
for the respondent.

AJAY KUMAR MITTAL, J. (Oral)

The prayer in this writ petition filed under Articles 226/227 of the Constitution of India *inter alia* for issuance of a writ in the nature of *Certiorari*, quashing of Tender Notice dated 01st March, 2017 (appended as Annexure P-15) to the extent that the regular/ad-hoc tender for Handling and Transport Contract (HTC) for Rampuraphul has been called despite the fact that the petitioner firm has already been allotted the tender for the same work on 18th August, 2015 for a period of two years and also in view of the fact that the criminal complaint/FIR registered against the petitioner firm has been declared as un-traced, thereby, leaving no hindrance in re-allotment of work to the petitioner firm as duration of the contract awarded is subsisting till 31st August, 2017. In addition to above, certain other prayers have also been made.

2. At the outset, learned counsel for the respondent referred to Annexure R-2, which is an order dated 13th July, 2017, passed by the respondent – Food Corporation of India, wherein, it has been stated that the

regular tender enquiry dated 22.03.2017, which has been appended as Annexure P-15 and impugned in the present writ petition has been scrapped. It has further been stated that the fresh tender enquiry will be floated subsequently and M/s Gangsar Transport Company shall be at liberty to participate in the fresh tender. The relevant portion of the order dated 13th July, 2017 (Annexure R-2) reads thus:-

“Therefore, without prejudice to any other rights and remedies of the Corporation under the Contract and Law, the regular tender enquiry dt. 22.03.2017 for appointment of HTC at Rampuraphul centre is hereby scrapped. Fresh tender enquiry will be floated subsequently and M/s Gangsar Tpt. Co. is at liberty to participate in fresh tender enquiry to compliance to his offer recorded before Hon'ble Court.”

3. In view of the above, the present writ petition has been rendered infructuous and is disposed of as such.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

August 23, 2017

J.Ram

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No