

CWP No. 7239 of 2017

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

**CWP No. 7239 of 2017 (O&M)
Date of Decision : 24.05.2017**

Harpreet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: *HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
 HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL***

Present: Mr. Jasdev Singh Mehndiratta, Advocate for the petitioner.

Ms. Sudeepti Sharma, Deputy Advocate General, Punjab.

Mr. Jastej Singh, Advocate for respondent No. 5.

S.J. VAZIFDAR, C.J.(Oral)

CM No. 6941-CWP-2017

**Application is allowed and reply filed on behalf of respondent
No. 5 is taken on record.**

CM No. 7843-CWP-2017

**Application is allowed and replication to the written statement
filed on behalf of respondent No. 5 is taken on record.**

CM No. 7844-CWP-2017

**Application is allowed and replication to the written statement
filed on behalf of respondents No. 1 to 4 along with Annexure P-9 is taken
on record.**

CWP-7239-2017

The petitioner has challenged the rejection of his bid on the ground that he did not appear before the Tender Allotment Committee. When the bids were opened, the petitioner was found to be L-1. The only dispute is whether the petitioner appeared before the Tender Allotment Committee or not. The official respondents addressed an e-mail at 3.29 P.M. on 03.04.2017 stating that as he was the L-1 bidder, he was to appear before the Committee for negotiating the rate but he failed to do so despite many phone calls. The petitioner addressed an e-mail on the same date addressed at 4.52 p.m. The e-mail which is not clear reads as under :-

“I peasant DC residans I waitint tender comati but tendar cometey present dc meeting.”

2. We will presume that what the petitioner meant to say was that he was present at the Deputy Commissioner's Residence, where he waited for the Tender Committee but that the Tender Committee was busy in a meeting at his residence. The petitioner has sought to explain why he had come from the office to the Deputy Commissioner's Residence. The official respondents by an e-mail sent on the same day at 5.15 p.m. stated that his e-mail was not clear and that he failed to appear before the Tender Allotment Committee. The e-mail also stated that the petitioner's constituted attorney i.e. his brother had mentioned that he was not a bidder but that he was a constituted attorney and that the bidder had not been seen here. The power of attorney was not uploaded at the time of bidding.

3. Firstly there are disputed questions of facts. Secondly considering the urgency required for this type of work, namely, transport of

foodgrain, the official respondents cannot be faulted for not having accepted the power of attorney at the last moment. In the circumstances, the petitioner must be delegated to any alternative remedy for appropriate reliefs. It is stated that even if the private respondent, who is L-2, is given the work, it will not be at a rate higher than the petitioner's bid. The petitioner's bid was substantially lower than the private respondent's bid. It is for the official respondents to decide whether or not to issue a regular contract in favour of any particular party or to invite fresh bids.

Disposed of.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(ANUPINDER SINGH GREWAL)
JUDGE

24.05.2017
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Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No