

203

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8642-2017 (O&M)
Date of decision : 12.09.2017

M/s AKA Logistics Pvt. Ltd.

... Petitioner(s)

Versus

The Haryana Power Generation Corporation Ltd.

... Respondent(s)

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

Present: Mr. Rajiv Atma Ram, Senior Advocate with
Mr. Arjun Pratap Atma Ram, Advocate
for the petitioner.

Mr. Sandeep Moudgil, Advocate
for the respondent.

AJAY KUMAR MITTAL, J. (ORAL)

The petitioner has approached this Court under Article 226 of the Constitution of India by making an offer to the respondent that it would continue to work at the old rates or in case of fresh tenders, by meeting the bid of the lowest tenderer. It was, on this premise, that the petitioner was allowed to carry out the work under the interim orders passed by this Court.

2. However, it was stated by the learned Senior Counsel for the petitioner that the lowest bid offered by another tenderer is not viable for the petitioner and accordingly, he does not want to carry out the work.

3. According to learned counsel for the respondent, 15 days' time is required to allot the work to the new tenderer.

4. It was agreed by learned Senior Counsel for the petitioner that

the petitioner shall continue to work till 30.09.2017. However, a prayer was made that the earnest money of ₹ 50 Lakhs, which has been deposited for continuing the work beyond 25.07.2017, in terms of the notice inviting E-Tender, be refunded to the petitioner and payment be made for carrying on the work during the period from 25.07.2017 till 30.09.2017, at the rate applicable in terms of the original tender notice. Consequently, learned counsel for the petitioner prayed that he may be allowed to withdraw the present writ petition as well as CM Nos.10712 & 10713-CWP of 2017.

5. After hearing the learned counsel for the parties, it is directed that the earnest money of ₹ 50 Lakhs shall be released to the petitioner within a week from 30.09.2017 and further, the petitioner shall also be paid for the period from 25.07.2017 upto 30.09.2017 in terms of the tender notice in pursuance to which the Contract was awarded to the petitioner.

6. Dismissed as withdrawn with the observations as noticed above.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

12.09.2017
Yogesh Sharma

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**