

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 8989 of 2017

Date of Decision: 1.5.2017

New Smagh Cooperative Labour & Construction Society Ltd., Sri Muktsar
Sahib

....Petitioner.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Surinder Garg, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the proceedings dated 18.4.2017 (Annexure P-3) passed by the Tender Allotment Committee blacklisting the petitioner.

2. Respondent No.2 issued a policy dated 28.2.2017 (Annexure P-1) for contract of labour/cartage for lifting foodgrains in the State of Punjab for the year 2017-18. In pursuance thereto, respondent No.2 issued a short term tender notice dated 18.3.2017 (Annexure P-2) inviting tenders for the supply of labour for lifting grains at various storage centres and PEG Godowns in the State of Punjab for a period of one year from 1.4.2017 to 31.3.2018. The tenders were to be submitted through E-tendering and were to be allotted by the District Level Tender Committees headed by the

concerned Deputy Commissioners. The petitioner being eligible for the allotment of tender, submitted its E-tenders for different agencies within the prescribed time limit for Bhadaur-I Cluster regarding labour and cartage. However, the petitioner could not deposit its earnest money within the prescribed period, i.e. till 28.3.2017 upto 5 PM but deposited the same on 29.3.2017. Respondent No.3 opened the technical bid of the petitioner and being the lowest bidder, the petitioner was allotted the tender for Bhadaur-I Cluster regarding labour and cartage. However, the petitioner vide e-mail dated 4.4.2017 informed respondent No.3 that he had quoted less rates and do not want to do the work on the said rate. Respondent No.3 vide proceedings dated 18.4.2017 (Annexure P-3) blacklisted the petitioner for two years on the ground that it had refused to do the work after the allotment of tender. Even the petitioner had submitted its tender of labour and cartage for District Faridkot which was rejected at technical bid stage vide proceedings dated 29.3.2017 (Annexure P-4) as it had deposited the less tender fee. Accordingly, the petitioner moved an application 17.4.2017 (Annexure P-5) to respondent No.3 prior to the declaration of its as blacklisted, but to no effect. Thereafter, the petitioner moved a representation (Annexure P-6) to respondent No.2 for not cancelling the tenders during the pendency of the enquiry. In a similar matter bearing CWP No. 7794 of 2015 in which the petitioner was respondent No.6, this Court vide order dated 20.8.2015 (Annexure P-7) set aside the work allotted to respondent No.6, i.e. the petitioner herein and directed the official respondents therein to invite fresh tenders. However, no action has so far been taken on the application dated 17.4.2017 (Annexure P-5) moved by the petitioner. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved an application dated 17.4.2017 (Annexure P-5) to respondent No.3, but no response has been received till date.

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.3 to take a decision on the application dated 17.4.2017 (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of 15 days from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 1, 2017
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No