

CWP-COM No.129 of 2017

[1]

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

CWP-COM No.129 of 2017

Date of decision:09.05.2017

Venkateshwara Mahila Audyogik Utpadak
Sahakari Sanstha Maryadit, Udgir ...Petitioner

Versus

Union of India and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Anand Chhibbar, Senior Advocate, with
Mr. Vivek Sethi, Advocate, for the petitioner.

Rakesh Kumar Jain, J.

The petitioner, a cooperative society, incorporated and registered under the provisions of the Maharashtra Cooperative Societies Act, 1960, is allegedly engaged in the work of supply of supplementary nutrition food, food grains, pulses and other food items (Take Home Ration) to the Government and Government appointed agencies for past several years.

Respondent no.2 floated a tender inviting online bids for purchasing ready to eat fortified food items, which were to be supplied to the adolescent girls under the Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (SABLA) in six district of Haryana, namely, Ambala, Rohtak, Yamunanagar, Hisar, Rewari and Kaithal.

The petitioner has prayed for quashing the entire tender document (Annexure P-3) and its corrigendum (Annexure P-9) or in the alternative to hold and declare that Clauses C(5), C(11) and E(11) of the tender notice are

arbitrary and unreasonable and to direct respondent no.2 to promptly modify or alter the aforesaid clauses.

At the threshold, counsel for the petitioner has submitted that Clause C of the tender notice deals with the specific terms and conditions of the eligibility criteria in which Clause C(11) provides that *“the present net worth of the participating firm should be ₹8.00 Crore certified by CA/Bank”*. It is further submitted that as per the certificate issued by their CA, net worth of the petitioner is of ₹4.5 Crore and hence, the petitioner is not considered to be eligible for participating in the bid and that is the reason for filing the present petition. It is submitted that once the tender notice has been issued, its conditions cannot be altered by a corrigendum as according to the petitioner, Clause C(11) has been modified and the net worth of the participating firm has been reduced from ₹8.00 Crore to ₹6.00 Crore.

Counsel for the petitioner has been specifically asked that if net worth of the petitioner is even less than ₹6.00 Crore, then how it is the competitor in the bid and maintain the writ petition, to which it is submitted that the prescription of the net worth is uncalled for as it has no nexus to achieve, therefore, the said condition should be deleted.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that there is no substance and merit in the present petition because the conditions of the tender notice cannot be altered as per the convenience of the petitioner who has failed to cross the benchmark of having the net worth of ₹6.00 Crore and there is no evidence on record to indicate that the condition of having the minimum net worth has been prescribed in order to help some other persons/institutions etc., as has been

stated by the petitioner in his arguments.

Consequently, I do not find any reason to interfere in the present writ petition and hence, the same is hereby dismissed.

May 09, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No