

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

CWP COM No.15 of 2017
Date of Decision:-24.01.2017

Daljit Singh Khurd

..... Petitioner

Vs.

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present:- Mr.Pankaj Gupta, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for setting aside the allotment of tender issued to respondent No.3 on 29.12.2016 on the ground that it has been allotted against the terms and conditions of Notice Inviting Online Bid Tender.

Learned counsel for the petitioner has submitted that the petitioner is L-II whereas respondent No.3 is L-1. However, it is submitted that in order to satisfy the terms and conditions of the Notice Inviting Online Bid Tender regarding value of the project/work, the parties had to offer bid capacity which has to be assessed in terms of Clause 4.4 of the Standard Bidding Document, which is practically a mathematical formula. According to the petitioner, the formula adopted by respondent No.3 is incorrect. The Court is not an expert in such type of assessment, therefore, learned counsel for the petitioner prays for withdrawal of the petition in order to avail his remedy to make representation to respondent No.2 at the first instance raising

all the issues available to him, either raised or not raised in this petition. However, he has prayed that if any such representation is made within one week from today, respondent No.2 may be ordered to decide the same within a week thereafter, after affording an opportunity of hearing.

The prayer made by the petitioner appears to be logical and consequently the present petition is ordered to be withdrawn, with direction to respondent No.2 that in case any such representation is made by the petitioner in consonance with the issues involved in the present petition, within a week from today, the same shall be decided by respondent No.2, within a period of one week thereafter after affording an opportunity of hearing to the petitioner. Since, respondent No.3 is going to be effected by any type of order to be passed by respondent No.2, therefore, the petitioner shall serve an advance copy of his representation to respondent No.3, who would also be given an opportunity of hearing by respondent No.2 at the time of considering the representation of the petitioner and decide the same in accordance with law. However, till the decision is taken by respondent No.2, on the representation made by the petitioner in one way or the other, the work order shall not be allotted to respondent No.3.

A copy of this order be given to counsel for the petitioner under the signature of Special Secretary of this Court for immediate compliance.

(RAKESH KUMAR JAIN)
JUDGE

24.01.2017
Vivek

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>