

**CM-8913-2017 and
RA-338-2017 in
CWP-7431-2017**

The Phagwara Palledari Cooperative Labor & Construction Society Ltd.
Vs
State of Punjab and others

Present:- Mr. Varun Baanth, Advocate,
for the applicant.
Mr. Jastej Singh, Advocate,
for the petitioner.
Mr. Daldeep Singh Sukarchakia, DAG, Punjab.
Mr. Ankit Aggarwal, Advocate,
for respondent No. 6.

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CM-8913-2017

The application for impleadment is allowed.

The applicant, namely, Deepak son of Sh. Dyal Singh,
r/o Amar Nagar, Near Car Diamond Wash, Phagwara, Kapurthala,
Punjab-144401 is impleaded as respondent No. 8.

The amended memo of parties is taken on record.

RA-338-2017

This application for review has been made by a party
who had submitted a tender for carrying out the work of labour
and cartage. The original petitioner had challenged the tender
process initiated by the official respondents in so far as it
invited bids from parties other than Cooperative Labour and
Construction Societies. By our order and judgement
dated 11.05.2017, which is sought to be reviewed, we allowed
the petition in view of a notification dated 02.10.2014 which,
inter alia, required all unskilled works upto any value to be
allotted to Cooperative Labour and Construction Societies by
way of tenders floated at fixed ceiling rates. Clause 1 further
provided that in case the societies did not participate in the
tender process or did not accept the work within the ceiling
rates so fixed, the work may be executed by inviting open
tenders from such societies and other contractors. Clause 2

provided that if more than two such societies have offered tenders for a work, the lowest rates accepted would be made applicable to the other societies as well as for doing that work upto their capacity and the work left thereafter could be executed by inviting open tenders from contractors as well as other societies.

The review applicant contends that the original petitioner is not a genuine society. That is an issue that the parties inviting the tenders must investigate in the first instance at least. The review applicant has the liberty to make such application or representation in that regard to the official respondents who upon receipt thereof would consider the matter.

It was then contended that the original petitioner was awarded the contract at rates other than the fixed ceiling rates.

The official respondents who invited the tenders state that the fixed ceiling rates would mean the reserved price stipulated in the notice inviting tenders. There is nothing on record that indicates that the original petitioner was given any amount higher than that. The review applicant has not produced any evidence to show that the original petitioner was awarded the work at the rates other than the rates as per the tender notice and as per the notification dated 02.10.2014.

The review application is accordingly disposed of.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(ANUPINDER SINGH GREWAL)
JUDGE