

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

**CWP-10755-2018 (O&M)
Date of Decision: September 11, 2018**

Jagga Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE.**

HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

**Present: Mr. Anurag Chopra, Advocate,
for the petitioner.**

Mr. Vikas Mohan Gupta, Addl. AG, Punjab.

**Mr. Mohit Kakkar, Advocate,
for Mr. Bhupinder Ghai, Advocate,
for respondent No. 3.**

**Mr. A.P.S. Mann, Advocate,
for respondent Nos. 4 and 5.**

KRISHNA MURARI, C.J. (ORAL)

Petitioner has approached this Court seeking a mandamus to command respondent Nos. 1 and 2 to open and accept the technical bid submitted by him in response to the tender notice for Labour and Cartage Contractor for Storage Center, Maur, for all agencies.

The grievance of the petitioner is that without even opening the technical bid submitted by the petitioner, for reasons best known, the contract has been finalised in favour of respondent No. 3 illegally.

Though in the written statement filed on behalf of respondent Nos. 1 and 2 it is stated that the technical bids of all the tenderers were opened on 20.04.2018 and the Tender Allotment Committee directed all the tenderers including the petitioner to submit ID Cards/Aadhaar Cards of all the workers to be engaged for the work of labour and cartage and since the petitioner did not submit the ID cards or Aadhaar Cards of the labourers whose services were to be utilized for the work, his technical bid was rejected.

However, we do not find any material on record to justify that this was the reason for rejecting the technical bid of the petitioner as the respondents have failed to bring on record any such document which may demonstrate that this indeed was the reason to reject his bid. It may be possible that the reason has been built up to be stated in the affidavit for the purposes of this litigation. Apparently, the records are not kept straight by the authorities in the matter of awarding contract through process of tenders. Therefore, we proceed on the assumption that the technical bid submitted by the petitioner was not at all opened and if that is the situation, the entire tender process is rendered illegal.

Faced with this situation, learned Additional Advocate General, appearing for the State of Punjab, submits that since the issue is one involving the questions of fact, it would be appropriate that the

petitioner may raise his concern before the Tender Allotment Committee itself, who after affording an opportunity of hearing to him and all other stake-holders, may take a reasoned decision.

In view of the aforesaid, we dispose of the writ petition by providing that the petitioner may approach the Tender Allotment Committee by making a representation, ventilating all his grievance alongwith all the documents, within a period of one week from today alongwith a certified copy of this order, with a direction to the Tender Allotment Committee to decide the same by passing a reasoned speaking order, after opportunity of hearing to the petitioner and other stake-holders, within a period of 15 days from the date of receipt of the representation.

With the aforesaid observation and directions, the writ petition stands finally disposed of.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

September 11, 2018
Pkapoor

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO