

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

**CWP No. 11394 of 2018
Decided on : 07.05.2018**

M/s Balram & Co.

. . . Petitioner

Versus

Food Corporation of India and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA**

PRESENT: Mr. Pawan Kumar, Sr. Advocate with
Mr. Rohit Kumar, Advocate
for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, *inter alia*, seeking quashing of the memo/letter dated 01.05.2018 (Annexure P-4 (Colly)), whereby, the tender of the petitioner was rejected by the Tender Inviting Authority during the technical valuation, on the ground that the power of Attorney as submitted was not in consonance with Clause 5(b)II of the MTF. A further prayer for direction to the respondents to allot the tender to the petitioner of Handling and Transport Contractor (HTC), Barnala Centre, as the rate of the petitioner for the tender in question is stated to be lower than respondent No.3. Besides above, certain other prayers have also been made.

2. The primary challenge in this writ petition is to the rejection of tender during technical valuation by the Tender Inviting Authority on 01st May, 2018 [Annexure P-4 Colly)]. It was urged that the the award of contract to respondent No.3 is unseasonable.

3. After hearing learned counsel for the petitioner, perusing the averments made in the writ petition and without expressing any opinion on the

merits of the controversy, we dispose of the present writ petition by permitting the

petitioner to file a detailed and comprehensive representation by raising all the pleas as sought to be raised in the present writ petition, before respondent No.1 within a period of 03 days from the date of receipt of certified copy of this order. In case such a representation is filed, the same shall be decided by respondent No.1 within a period of one week, after affording an opportunity of hearing to the petitioner as well as respondent No.3, by passing a speaking order, in accordance with law.

**(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE**

**(TEJINDER SINGH DHINDSA)
JUDGE**

May 07, 2018

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No