

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-12753-2018

Date of Decision: 18.5.2018

M/s Mittal Builders, Dirba, Sangrur

...Petitioner.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL,
ACTING CHIEF JUSTICE.**

HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

PRESENT: Mr. Rajesh Kumar Girdhar, Advocate for the petitioner.

AJAY KUMAR MITTAL, ACJ.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to cancel the bid of respondent No.4 and not to allot the work of 'Special Repair of Link Roads in MC Lehra (upto PC) year 2018-19 (Group-IV) PRDB Funded' due to non-compliance of technical condition Nos. 13 and 16 of the Technical Conditions (Annexure P-2) and to consider the bid of the petitioner.

2. Respondent No.3 vide Notice Inviting Tender (NIT) dated 28.3.2018 (Annexure P-1) invited bids for the work of 'Special Repair of Link Roads in MC Lehra (upto PC) year 2018-19 (Group-IV) PRDB Funded'. Along with the NIT, respondent No.3 had also issued Technical

11.5.2018. The petitioner raised an objection before the Technical Evaluation Committee, but inspite of that, the technical bid of respondent No.4 was declared responsive vide proceedings dated 11.5.2018 (Annexure P-3). Thereafter, the financial bid was also opened in favour of respondent No.4. Accordingly, the petitioner moved a representation dated 11.5.2018 (Annexure P-4) to respondents No.2 and 3 for cancellation of tender submitted by respondent No.4 for not fulfilling the requisite conditions, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 11.5.2018 (Annexure P-4) to respondents No.2 and 3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representation dated 11.5.2018 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and respondent No.4 within a period of 15 days from the date of receipt of the certified copy of the order.

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

May 18, 2018
gbs

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No