

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-12847-2018

Date of Decision: 21.5.2018

Gurbachan Singh Brar

....Petitioner.

Versus

Food Corporation of India, Chandigarh

...Respondent.

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

HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

PRESENT: Mr. D.S. Patwalia, Senior Advocate with
Mr. Kannan Malik, 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 quashing the Notice Inviting Tender (NIT), Annexure P-10 issued by the respondent inviting bids for issuance of Handling and Transportation Contractor (HTC) at Baghapurana Centre, Moga. Further, a direction has been sought to the respondent to allow the petitioner to continue the work of Transportation Contractor at Baghapurana Centre.

2. In May, 2016, the respondent issued an NIT and MTF (Annexure P-1) for Transportation Contractors at Baghapurana Centre (Moga). The estimated value of the said tender was ₹ 25,39,95,000/- for a period of two years. In response thereto, the petitioner applied as Transport

Contractor for Baghapurana Centre (Moga). The petitioner was declared as L-1 and vide appointment order dated 8.6.2016 (Annexure P-2), he was appointed as regular Transport Contractor at Baghapurana Centre. One M/s Jagtar Singh Sadhua Singh who were also a bidder in the said tender, filed CWP-11535-2016 and this Court vide order dated 1.6.2016 (Annexure P-3) directed the respondent to decide the representation of the petitioners therein by passing a speaking order. In view thereof, the respondent did not allot the work to the petitioner. The respondent rejected the representation of the petitioners in CWP-11535-2016 vide order dated 9.6.2016. M/s Jagtar Singh Sadhu Singh challenged the order dated 9.6.2016 by way of CWP-12513-2016 and this Court vide order dated 13.6.2016 (Annexure P-4) issued notice of motion and stayed the issuance of work order in favour of the petitioner herein. In pursuance thereto, the respondent vide letters dated 24.6.2016 (Annexure P-5 Colly) informed the petitioner that no work was to be issued in his favour in view of the order, Annexure P-4. This Court vide order dated 6.9.2016 (Annexure P-6) dismissed CWP-12513-2016 and upheld the bid submitted by the petitioner and CWP-11535-2016 was disposed of as infructuous vide order dated 6.9.2016 (Annexure P-7). Accordingly, the petitioner moved a representation dated 10.1.2018 (Annexure P-8) for fixing the period of contract and to pay the compensation, but no response has been received till date. Thereafter, the petitioner sent a letter dated 14.5.2018 (Annexure P-9) to the respondent requesting for grant of permission to continue the transportation contract awarded vide tender dated 5.5.2016. Instead of considering the request of the petitioner, the respondent invited fresh tenders vide NIT, Annexure P-10 for HTC, Baghapurana Centrea, Moga. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 10.1.2018 (Annexure P-8) to the respondent, 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 the respondent to take a decision on the representation dated 10.1.2018 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of ten days from the date of receipt of the certified copy of the order.

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

May 21, 2018
gbs

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No