

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-13061-2018

Date of Decision: 24.5.2018

M/s Chaudhary Sweets, Talwara

...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. M.S. Joshi, 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 certiorari for quashing the order, Annexure P-4, passed by respondent No.4 issuing offer letter for Mess Contract of Meritorious School, Gurdaspur to respondent No.6 after lapse of validity time of the tenders. Further, a writ of mandamus has been sought directing respondents No.1 to 5 to make the balance payment of the bills on account of catering charges to the petitioner.

2. Government of Punjab had opened meritorious schools at Amritsar, Bathinda, Jalandhar, Ludhiana, Patiala, Mohali and Gurdaspur etc. under the 'Society for Promotion of Quality Education for Poor and

education, lodging/boarding, books, stationary and uniforms. The Society had invited tenders for granting temporary mess contract of Meritorious School, Gurdaspur. Respondent No.3 vide order dated 1.12.2017 (Annexure P-1) granted adhoc Mess Contract of Meritorious School, Gurdaspur to the petitioner for supply meal to the students and staff. Vide bid, Annexure P-2, the tenders were invited for running hostel mess and canteen for the years 2017-18 and 2018-19 and the sale of tender documents was fixed on 28.7.2017. The opening of technical bid was fixed on 23.8.2017 whereas the opening of financial bid was fixed on 28.8.2017. Vide corrigendum dated 30.8.2017 (Annexure P-3), the opening of financial bid was extended and was opened on 4.9.2017. It was valid upto 4.12.2017 as per Note 5(a) of the Bid Document. Respondent No.4 vide offer letter, Annexure P-4, granted the Mess Contract of Meritorious School, Gurdaspur to respondent No.6. The Mess Contract was granted to respondent No.6 after the expiry of validity period of the bid. Accordingly, the petitioner moved a representation dated 27.4.2018 (Annexure P-5) to the Chief Secretary, Vigilance Department, Punjab and the Secretary, Education Department, Punjab, Chandigarh for conducting an enquiry regarding unlawful allotment of Mess Contract of Meritorious School, Gurdaspur after the expiry of validity period of bid in favour of respondent No.6 and to take legal action in accordance with law. However, no response has been received till date. The Central Vigilance Commission (CVC) provided various check points for various stages of public procurement vide Annexure P-6. The CVC also issued a circular dated 6.11.2008 (Annexure P-7) for time bound processing of procurement. 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 27.4.2018 (Annexure P-5) to the Chief Secretary, Vigilance Department, Punjab and the Secretary, Education Department, Punjab, Chandigarh, 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.1 to take a decision on the representation dated 27.4.2018 (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and respondent No.6 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 24, 2018
gbs

(TEJINDER SINGH DHINDSA)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No