

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-13945-2018

Date of Decision: 29.5.2018

M/s Sanjeev Kumar Goyal, Contractor, Mansa

....Petitioner.

Versus

The Punjab Mandi Board 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 to 4 to cancel the bids of respondents No.5 and 6 and not to allot the works of 'Up-gradation of Link Roads falling in MC Mansa (Group-2), MC Boha (Group-2) and MC Budhlada (Group-3)' to them for 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.4 vide E-Tender Notice dated 28.3.2018 (Annexure P-1) invited bids for the work of 'Up-gradation of Link Roads falling in MC Mansa (Group-2), MC Boha (Group-2) and MC Budhlada (Group-3)'. Along with the E-Tender Notice, respondent No.4 had also

issued Technical Conditions (Annexure P-2). The technical bids were evaluated on 18.5.2018. The petitioner raised an objection before the Technical Evaluation Committee, but inspite of that, the technical bids of respondents No.5 and 6 were declared responsive. The petitioner moved an application dated 18.5.2018 (Annexure P-3) to respondent No.4 requesting that the documents produced by the bidders through online technical bids only be considered, but to no effect. Thereafter, the financial bid qua the work of Up-gradation of Line Roads falling in MC, Mansa (Group-2) mentioned at Sr. No.11 was opened in favour of respondent No.6 whereas the financial bid qua the works of Up-gradation of Line Roads falling in MC, Mansa (Group-2) and MC Budhlada (Group-3) mentioned at Sr. Nos.19 and 23 were opened in favour of respondent No.5 and respondent No.4 was proceeding further for the allotment of the said works in their favour as is clear from the tender summary reports updated on 21.5.2018 (Annexures P-4 and P-6, respectively). Accordingly, the petitioner moved a representation dated 21.5.2018 (Annexure P-7) to the Chairman, Punjab Mandi Board, Chandigarh for rejection of the bids submitted by respondents No.5 and 6 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 21.5.2018 (Annexure P-7) to the Chairman, Punjab Mandi Board, 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.3 to take

a decision on the representation dated 21.5.2018 (Annexure P-7), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and respondents No.5 and 6 within a period of 10 days from the date of receipt of the certified copy of the order.

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

May 29, 2018
gbs

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No