

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

CWP No.14649 of 2018 (O&M)

Date of Decision: 31.05.2018

Sher Singh

... 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. S.K.Choudhary, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.

Tender inquiry for award of contract for parking at Sabzi Mandi under Market Committee, Gurdaspur was floated in the month of March, 2018.

Instant petition has been filed by the petitioner raising a grievance that in spite of the bid submitted by the petitioner being the most competitive yet the same has not been accepted and the tender has been allotted in favour of respondent No.5.

Learned counsel representing the petitioner submitted that the technical bid of the petitioner in response to the tender inquiry has been rejected on the ground that GST number had not been furnished.

Plea of discrimination has been raised by contending that even respondent No.5 had not furnished the GST number and in spite of his bid being higher than the one submitted by the petitioner yet he has been awarded the contract.

In a nutshell, argument raised is that if the condition of furnishing GST number had to be relaxed then a pick and choose policy could not have been adopted by the authorities concerned and such relaxation should have been granted across the board and to all the bidders/participants in the tender process including the petitioner.

Having heard counsel for the petitioner at length and having perused the pleadings on record, we are of the considered opinion that there is no merit in the petition and the same deserves to be dismissed.

It has gone uncontroverted that as per Clause 8(v) of the Standard Bidding Document, each bidder had to submit copy of last filed GST return along with GST number.

It is the case of the petitioner himself that GST number had not been furnished. Placed on record at Annexure P-5 is the order dated 11.05.2018 passed by the Executive Engineer (C) Punjab Mandi Board, Gurdaspur whereby the representation filed by the petitioner dated 25.03.2018 has been rejected and in which it has been specifically stated that as per record respondent No.5-Shri Balwinder Kumar had uploaded his GST number in his technical bid which was opened on 22.03.2018. Learned counsel has not been able to rebut such factual premise. The plea of discrimination as such does not survive.

Clause 8 (v) of the Standard Bidding Document calling upon each bidder to submit last filed GST return along with GST number would be construed as an **essential** term of the contract.

The petitioner having admittedly not complied with such condition, there would be no infirmity as regards rejection of his technical bid.

In view of the reasons recorded above, there is no merit in the petition and same is, accordingly, dismissed.

(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

31.05.2018

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No