

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

**CM No. 16575 of 2018 in/&
CWP No. 21034 of 2018 (O&M)**
Date of Decision: December 20, 2018

M/s Chaudhary Transport, Bahadurgarh

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr.Dishant D.Tuteja, Advocate
for the petitioner

Mr.Saurabh Mohunta, DAG, Haryana

Rajan Gupta, J (Oral)

CM No. 16575 of 2018

This is an application seeking pre-ponement of next date of hearing i.e. 16.1.2019. For the reasons stated in the application, same is allowed.

With the consent of the parties, main case is taken up for hearing today itself.

CWP 21034-2018

Reply by way of affidavit of Ashwani Kumar Dogra, Deputy Transport Controller, Haryana, Chandigarh has been filed in Court. Same is taken on record. Learned State counsel submits that petitioner is eligible to apply pursuant to the fresh tender issued by the authority.

Para 3 of the affidavit reads as under:-

“That further for hiring the remaining buses i.e 190, the process for inviting the tenders has already been initiated with

for which the advertisements have already been made through various newspapers dated 09/10.11.2018, with closing date of 21.12.2018. A pre-bid meeting was also held on 26.11.2018. Therefore, this is the fresh process of taking the bids, for which open offer has already been made to the interested parties.

It is submitted that the petitioner is at liberty to apply in the process and the petitioner has to compete with other participant(s), who will be quoting their rates, in the process with closing date of 21.12.2018. The petitioner would be eligible to apply the bids in tender process with closing date of 21.12.2018 and withdrawal from the earlier process of hiring 510 buses would not bar him for applying in the process, if otherwise fulfilling the eligibility condition.

In view of the submissions made above, there is no merit in the present application, which may kindly be dismissed on merits.”

Learned counsel for the petitioner is satisfied with the stand taken by the State. Petition is, therefore, disposed of with the direction that the authority shall consider the petitioner's bid if made. It shall also consider refund of EMD deposited by the petitioner pursuant to the earlier tender within ten days.

(Rajan Gupta)
Judge

December 20, 2018

BB

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No