

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

CWP-22879-2018 (O&M)

Date of decision:- 10.09.2018

Rambir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Vinod S. Bhardwaj, Advocate,
for the petitioner.

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KRISHNA MURARI, C.J. (ORAL)

A writ in the nature of mandamus is prayed for commanding the respondents to return the earnest money (EMD) i.e. ₹6,70,700/- deposited by the petitioner.

2. It is urged that petitioner had submitted a tender pursuant to tender notice No. 85145, in respect of water works at village Devsar, District Bhiwani, which was opened on 11.06.2018. Four agencies had participated in the tender process and the petitioner was found to be the lowest and rather his bid was even lower than the rates prescribed in the DNIT. However, the department cancelled the said tender and the earnest money deposited by the petitioner was returned. However, the department again vide tender No. 91390 invited fresh tenders for the same work and in response the petitioner submitted a fresh tender. The tenders were opened on 11.07.2018, but the petitioner was not L-1. But yet on 07.08.2018, the respondent-authorities negotiated the rates with the tenderers and eventually resolved to allot the said tender to the petitioner, but at the rates he had quoted qua earlier tender No. 85145, for as per the department the tender process qua tender No. 85145 was kept alive. It is submitted

that the petitioner had represented to the respondent-authorities vide representation dated 09.08.2018 (Annexure P-6) expressing that the earlier tender process was cancelled and even his earnest money deposit was refunded. Thus, he was not willing to execute the second tender i.e. No. 91390 at the earlier rates and, therefore, the earnest money deposited by him pursuant to his second tender be refunded. But, the authorities even proceeded to assign the work order to the petitioner pursuant to the second tender. He submits that let this petition be disposed of, at this stage, only with a direction to respondent No. 2 - Engineer-in-Chief, Department of Public Health (Engineering), Haryana, who is seized of the representation dated 09.08.2018, submitted by the petitioner and he be directed to deal therewith within a specified time.

3. In conspectus of the above, this petition is disposed of with a direction to respondent No. 2 to consider and decide the representation dated 09.08.2018, that purports to have been made by the petitioner and is pending consideration before respondent No. 2, within a period of two weeks from the receipt of certified copy of this order. Needless to assert that respondent No. 2 shall pass a comprehensive order assigning reasons in support thereof. And in the event the petitioner is found entitled to the refund, the required steps shall be taken without any further loss of time.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

10.09.2018
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No