

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

Civil Writ Petition No.24293 of 2018 (O&M)

Date of Decision: 21.09.2018

M/s Dharampal & Company

.....Petitioner

versus

Food Corporation of India and others

.....Respondents

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

Present : Mr. Ranjit Singh Saini, Advocate, for the petitioner.

KRISHNA MURARI, C.J.(oral)

Petitioner has approached this Court by filing the instant writ petition seeking the following main relief:-

“Issue a writ in the nature of mandamus directing respondent No.2 to cancel the tender/contract given to respondent No.3 M/s MSK Transport Company, as the technical bid submitted by respondent No.3 was wrongly and illegally found technically qualified as the said tender submitted by respondent No.3 is contrary to the instructions for submitting tender contained in the technical bid, thus the action of respondent No.2 granting the contract to respondent No.3 is totally illegal, arbitrary, discriminatory and void on the face of it, hence liable to be set aside.”

2. Admittedly, respondent No.2 invited e-tenders on 10.05.2018 for appointment of contractor for handling and transportation of food grains and allied material etc. and road transport contractor for movement of food grains and allied materials by road for a period of two years commencing from 2018 to 2020. In pursuance, thereof, the petitioner submitted its

e-tender for appointment of handling and transport contractor at the centres of Kaithal, Pai, Pundri, Rajaund and Siwan. The technical bid of the petitioner was rejected, as such he stood disqualified and the tender was allotted to respondent No.3. The allotment of work contract in favour of respondent No.3 on the basis of the bid offered by him has been challenged by the petitioner mainly on the ground that the bid submitted by him was in violation of the terms and conditions of the tender notice.

4. In our considered opinion, the petitioner will have no locus to challenge the allotment of work contract to respondent No.3 inasmuch as once his technical bid was rejected and he was disqualified which was not challenged by him and allowed the same to attain finality, as such he was excluded from the consideration zone.

5. Once the petitioner lacks locus to challenge the allotment of work in favour of respondent No.3, there is no other option but to dismiss the writ petition. The petition accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

21.09.2018
ravinder

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