

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

CWP-30028-2017 (O&M)

Date of decision:- 08.01.2018

Rajender Contractor

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr. D.K. Tuteja, Advocate,
for the petitioner.

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S.J. VAZIFDAR, C.J. (ORAL)

The petitioner has challenged the decision of the respondents to execute certain works at the petitioner's risk and cost. The petitioner does not challenge the decision to forfeit the earnest money.

2. The petitioner had submitted a bid in respect of the tenders invited by the respondents for the execution of said works. The petitioner thereafter withdrew from the offer on the ground that he had submitted the bid under a mistaken impression and that he was not willing to execute the works at the rate submitted by him. It is contended on behalf of the petitioner that there is no provision in the Notice Inviting Tenders (NIT) which entitles the respondents to execute the works at the petitioner's risk and cost.

3. Even if there is no express provision in the NIT entitling the respondents to execute the works at the risk and cost of a bidder, who has allegedly wrongly withdrawn the bid, the party inviting tenders can always file an action or adopt

any other proceedings for the purpose of recovery of damages and compensation. Whether the action is sustainable or not is a different matter. There is no warrant for entertaining this petition. It is for the respondents to initiate proceedings to recover damages/compensation. They may or may not do so. If the respondents adopt any proceedings or take any action for the recovery of the amounts, the petitioner is always at liberty to defend himself. We do not express any views on the merits of the case. It is clarified that all the defences are open to the petitioner.

4. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(AVNEESH JHINGAN)
JUDGE

08.01.2018
Amodh

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