

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

CWP-6340-2017 (O&M)

Date of decision:- 22.01.2018

M/s Hanuman Labour & Transport Co. and another

...Petitioners

Versus

District Food and Supply Controller, Jind District,
Jind and another

...Respondents

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

Present:- Mr. Sunil Kumar Bhardwaj, Advocate,
for the petitioners.

Mr. Deepak Balyan, Additional Advocate General, Haryana,
Mr. Ayuwan Singh, Assistant Advocate General, Haryana,
for respondent No. 1.

Mr. Vaibhav Gupta, Advocate,
for respondent No. 2.

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

The petitioners have challenged a fresh tender process undertaken on 14.03.2017. Pursuant to this process, the work has been allotted in favour of respondent No. 2 almost ten months ago.

2. The petitioners in effect seek an order directing respondent No. 1 i.e. the party inviting tenders to issue the contract in their favour pursuant to an earlier tender process dated 01.02.2017.

3. The petitioners contend that the fresh tender process was initiated without a formal order of cancellation of the earlier tender process. The fact of the fresh tender process itself is an implied termination of the earlier tender process.

Moreover, the party inviting tenders cannot absent any compelling circumstances be compelled to issue a work order in favour of any bidder. Further still, there is no warrant for invoking our extra-ordinary jurisdiction under Article 226 of the Constitution of India in view of the fact that pursuant to the fresh tender process, the official respondent No. 1 has received offers which are of considerable financial advantage to it.

4. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(AVNEESH JHINGAN)
JUDGE

22.01.2018

Amodh

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