

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-714-2018 (O&M)

Date of decision:- 16.01.2018

M/s Dhingra Brothers (India)

...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. Rajesh Kumar Girdhar, Advocate,
for the petitioner.

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

The petitioner has challenged the rejection of its technical bid.

2. The relevant clause reads as under:-

"Read as

Experience in successfully completing or substantially completing at least one contract of Highway (road and/or bridge works)/airport runway/building work (only that amount of work shall be considered which is of similar nature i.e. road signage, overhead gantry, cantilever etc. and completion certificate of work clearly showing the component of similar nature work shall have to be furnished by the bidder) or any other similar nature work of signage overhead gantry cantilever etc. costing at least 40 percent or two works each of 33.3% or three works each of 25% of the value proposed for contract within the last five years."

(emphasis supplied)

3. This clause was introduced by way of a corrigendum prior to the opening of the bids. The validity of the clause is not challenged. The petitioner claims to have executed three works similar in nature. In other words, the petitioner claims to have executed the works of the latter category and not the former category in the above eligibility condition. Even assuming that the works executed by the petitioner are similar in nature to the works referred to in the opening part of the eligibility clause, each of these works falls short of the quantum stipulated. The petitioner admittedly has not executed any work the value whereof was 25 per cent of the contract value, namely, ₹ 9,81,27,000/-. The petitioner's bid, therefore, was in any event not eligible.

4. The petition is accordingly dismissed.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(AVNEESH JHINGAN)
JUDGE

16.01.2018

Amodh

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