

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

112

**CWP No.8710 of 2018
Date of Decision: 17.04.2018**

KEWAL KRISHAN BANSALPetitioner.

Versus

STATE OF PUNJAB AND ORS. ...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Vijay Jindal, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J.

This petition preferred in the form of public interest litigation seeks quashing of Clause 10(g) of the work order/acceptance letter dated 06.02.2018 (Annexure P-7) whereby the offer of respondent No.5 for installation of diesel generating sets has been accepted by respondents No.1 to 4.

2. The petitioner is stated to be an agriculturist by profession and is stated to have made a representation to the Government of India for replacement of old diesel generating sets and diesel driven pumping sets with Euro approved world class multiple cylinders having CRDI technology. A copy of the representation is at Annexure P-1. It is also stated that the decision of the respondents No.1 to 4 to purchase diesel engines with direct injection technology instead of diesel engines with CRDI technology is without application of mind.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.8710 of 2018

-2-

3. As the petition has been filed after the issuance of tender to respondent No.5 and several technical issues had been raised we considered it necessary to test the bona fides of the petitioner and had directed him to be present in the Court. We have put to him certain questions including with respect to the nature of the diesel generating sets with direct injection technology, to which the petitioner pleaded ignorance and stated that he had filed this petition after obtaining knowledge from some other person. However, while verifying the contents of the writ petition, he had verified that the paragraphs No.1 to 9, 13 and 14 are true and correct to his knowledge and belief and all the paragraphs which raise legal questions are believed to be true and correct on the basis of legal advice. Even in the affidavit, which has been filed in support of the petition, the petitioner has not verified that the averments are on the basis of information furnished by somebody else.

4. It, thus, appears that the petitioner is espousing the cause of an unsuccessful bidder as he is not aware of the intricacies of the issue raised by him. However, we refrain from expressing any definite opinion in this regard as even otherwise, we do not find any merit in this petition.

5. The petitioner has challenged the Clause 10(g) of the work order whereby respondents No.1 to 4 have decided to purchase diesel engines equipped with the direct injection technology from respondent No.5. Clause 10(g) stipulates that

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.8710 of 2018

-3-

diesel engine fitted with direct injection/common rail direct injection technology shall only be accepted. It is further mentioned that the engines which conform to applicable emissions norms and those engines which conform to BIS:10000/BS:5514/BS:649 and Make of Engine: KOEL GREEN/ COOPER/ VOLVO-PENTA / MTU/ CATTER PILLAR / MAHINDRA & MAHINDRA / ASHOK LEYLAND / GREAVES COTTON / EICHER, CUMINS, shall only be accepted.

6. This Court does not have the expertise to decide as to whether the diesel engine fitted with direct injection or common rail direct injection technology would be more suitable.

7. It is apparent from the perusal of Condition 10(g) that only those engines which conform to the prescribed emissions standards and norms would be supplied by respondent No.5. In other words, in case, the engines supplied by respondent No.5 do not meet the prescribed emissions norms, they would not be permissible. In the event of the diesel engines supplied by respondent No.5 failing to meet the emission norms, it shall be incumbent upon respondents No.1 to 4 and the Pollution Control Board to take necessary action in that regard. However, at this stage, it would be difficult for this Court to quash Clause 10(g) of the work order, especially in the instant petition, which has been filed as a public interest litigation as we have serious doubts on the bona fides of the petitioner.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.8710 of 2018

-4-

8. Consequently, we do not find any merit in this petition,
which stands dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

17.04.2018

SwarnjitS

Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO