

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

CWP-1883-2019 (O&M)

Date of decision:- 23.01.2019

Pooja Glass Fibre Industry

...Petitioner

Versus

Union of India and others

...Respondents

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

Present:- Mr. Rajiv Joshi, Advocate,
for the petitioner.

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ARUN PALLI, J. (ORAL)

The petitioner prays for a writ of mandamus commanding the respondent-authorities that the work in question, which was advertised pursuant to the Notice Inviting Tender (Annexure P-1), be assigned to the petitioner after declaring it to be the successful bidder and the Letter of Intent (LoI), if any, issued in favour of respondent No. 4 for the said work be quashed.

2. Respondent No. 2 - Post Graduate Institute of Medical Sciences and Research Centre, Chandigarh (sic) had invited e-tender for up-gradation and special repair of ground floor of Drug De-Addiction Centre. The price bids of the parties were alleged to have been opened on 26.10.2018, wherein respondent No. 4 had given a bid of 23.36% below the estimated cost of the tender, whereas another bidder, namely, Naresh Kumar Gupta, had given a bid of 17.97% and one R.K. Jindal and M/s J.P. Constructions had given bids at 16.75% and 13.91% respectively.

3. The limited grievance the petitioner has is that although respondent No. 4 had offered the most competitive rates, but the respondent-authorities in order to cross-check the veracity of the banker's certificate issued in its favour by respondent No. 5 - ICICI Bank Limited, vide letter

dated 08.11.2018 (Annexure P-4) required the bank to confirm if any such certificate was at all issued. It is submitted that in response to the letter dated 08.11.2018, the bank vide its letter dated 15.11.2018 (Annexure P-6) confirmed that no such certificate was ever issued by the bank in favour of respondent No. 4. Thus, the grievance of the petitioner is that since the certificate appended by respondent No. 4 alongwith the tender documents was forged and fabricated, respondent No. 2 i.e. PGIMER, Chandigarh ought not to have assigned the LoI in its favour. Rather, respondent No. 4 ought to have been disqualified from the tender process. And the petitioner being the next highest bidder, the work was required to be assigned in its favour. It is urged that prior to the institution of this petition, the petitioner had even represented to the respondent-authorities vide representations dated 05.11.2018 (Annexure P-10) and 26.11.2018 (Annexure P-11), but to no avail.

4. Having heard learned counsel for the petitioner and without examining the matter on merits, we deem it appropriate to dispose of this petition, at this stage, only with a direction to respondents No. 2 and 3 to consider and decide the representations, allegedly made by the petitioner, and pass appropriate orders in accordance with law within a period of three weeks from the receipt of certified copy of this order after affording an opportunity of hearing to all the stakeholders.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

23.01.2019
Amodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No