

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

**CWP No.3199 of 2019 (O&M)
Date of Decision :05.02.2019**

M/s Naresh Kumar Mahajan

.....Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present : Mr. Sunil Chadha, Sr. Advocate with
Mr. Saurav Kanojia, Advocate for the petitioner.

ARUN PALLI, J. (Oral):

Notice of motion.

Ms. Monica Chhibbar Sharma, learned Senior Deputy Advocate General, Punjab accepts notice on behalf of the respondents.
Copy furnished.

In the nature of the order we propose to pass, no written statements/counter affidavits on behalf of the respondents are indeed necessary, at this stage. Thus, with the consent of the parties, the petition is being finally disposed of.

In response to an e-tender notice dated 11.12.2018 (Annexure P-1), issued by the Municipal Corporation, Pathankot, the petitioner submitted its tender for allotment of work against Group 'C' i.e. **P/L 60 mm interlocking tiles and construction of drains in Ward Nos. 2, 4, 11, 14, 17 to 35 and 37 to 45.** However, as per the Tender Summary Report dated 30.01.2019 (Annexure P-3), the bid submitted by the petitioner was

rejected. It is averred that since then the petitioner has repeatedly represented to the the respondent-authorities and even served them with a legal notice dated 24/25.01.2019 (Annexure P-5) to ascertain the precise reason because of which its bid was found to be technically non-compliant, but to no avail. Further in reference to the another Tender Summary Report dated 01.02.2019 (Annexure P-8), subsequently uploaded, learned Senior counsel for the petitioner submits that the only reason assigned by the respondents to reject its bid is: **Not complied with technical specification**". Thus, the limited grievance being expressed, at this stage, is that the respondents-authorities have failed to even communicate the reason owing to which the petitioner was disqualified. Attention of the Court was also drawn to the notification dated 02.08.2018 (Annexure P-9) that envisages Standard Operating Procedure for execution of all types of development works and sub clause (4.4) (iv) of clause 4 thereof, postulates that in the event the authorities reject the bid being non-compliant, the detailed reasons as regards rejection have to be specified and uploaded on the tendering website.

In response, learned State counsel submits that let this petition be disposed of, at this stage, only with a direction to the respondents-authorities to communicate the precise reasons because of which the technical bid of the petitioner was rejected within a specified time. She further informs, on telephonic instructions from Mr. Satish Saini, Executive Engineer, Municipal Corporation, Pathankot, that the price bid has since been opened on 22.01.2019, and one of the tenders i.e. Paving Stone (India) Pvt. Ltd. has been adjudged as L-1. However, she submits, for no formal

contract has been entered into between the parties the work is yet to be assigned.

In the wake of the above, we deem it expedient to dispose of this petition, at this stage, only with a direction to the respondents to communicate the precise reasons for which the technical bid of the petitioner was rejected or it was found to be technically non-compliant within a week from today, and till the respondents-authorities communicate those reasons to the petitioner the tender shall not be finalized/settled in favour of any party.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

05.02.2019

Manoj Bhutani/Amodh

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