

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

CWP-3857-2019 (O&M)

Date of decision:- 14.02.2019

M/s Garg Construction Company, Fatehgarh Chhanna Road,
Village Handiaya, Tehsil and District Barnala

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Tribhawan Singla, Advocate,
for the petitioner.

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KRISHNA MURARI, C.J. (ORAL)

On-line bids for National Highway Project i.e. work of improvement/up-gradation of Pakhoke-Bhadaur-Bajakhana Road (MRD-43) & Pakho Kalan to Railway Phatak Tapa via Tajoke (ODR-BNL-09) were invited by respondent No. 5.

2. The petitioner alongwith other bidders participated in the tender process. The limited grievance that it has is: that vide Tender Summary Report (Annexure P-5) all the bidders were declared to be technically qualified, though a few of them, including respondent No. 6 were ineligible or technically disqualified. It is urged that the technical and the price bids were opened by the respondent-authorities the same day i.e. 04.02.2019 and respondent No. 6 was declared L-1. Even though its bid was non-responsive, for, it did not fulfill the requisite criteria laid down in Clause 4.5.3(b), 4.5.5 & Clause 23.4(v) of the tender documents. Being aggrieved, the petitioner purports to have represented to the respondent-authorities vide e-mail dated 04.02.2019

(Annexure P-3), but to no avail. Thus, it is urged that the grievance of the petitioner remains un-addressed.

3. In the wake of the above, we rather consider it expedient to dispose of this petition, at this stage, only with a direction to the respondent-authorities to consider and deal with the grievance of the petitioner, and if indeed any such representation, as indicated above, is pending consideration, the same shall be decided within a period of one week from the receipt of the certified copy of this order by passing appropriate orders in accordance with law after notice to all the stake holders.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

14.02.2019
Anodh

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