

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

**Date of Decision :13.03.2019
CWP No.6224 of 2019**

The Nidhuka Co-operative L/C Society Ltd.

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CWP No.6624 of 2019

M/s S.H. Labour Contractor

.....Petitioner

Versus

**Director, Food Civil Supplies & Consumer Affairs Department,
Haryana and others**

..... Respondents

CWP No.5401 of 2019

M/s Balaji Transport Company

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CWP No.5413 of 2019

M/s Shree Balaji Transport Company

.....Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present: Mr. Aashish Chopra, Advocate with
Ms. Rupa Pathania, Advocate in
CWP Nos. 5401, 5413 and 6224 of 2019;
Mr. Anurag Chopra, Advocate in
CWP No.6624-2019; for the petitioner(s).

Mr. Deepak Balyan, Addl.A.G. Haryana.

Mr. Vijay Pal, Advocate for respondent No.4
in CWP-6624-2019.

Mr. R. Kartikeya, Advocate for respondent No.5
in CWP Nos. 5401 and 5413 of 2019.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

These are four (4) writ petitions involve common question of law based on identical set of facts, hence have been clubbed together and are being decided by this common order.

In all these petitions challenge has been made to the rejection of technical bids submitted by the petitioner(s) without assigning or disclosing any reasons therefor. In most of the cases it has been pointed out that there is a huge difference in the rates offered by L-I and that offered by the petitioner(s), who's bids have been rejected without any reason which ultimately will result in huge loss to the State Exchequer. Despite notice there is no response from the State. Although, Shri Deepak Balyan, learned Additional Advocate General, Haryana, states that the reasons are available on the file but concedes that the same were not communicated to the petitioner(s). That being so, in view of the settled legal proposition as culled out by Hon'ble Supreme Court in **Mohinder Singh Gill and another Vs. Chief Election Commissioner and others 1978(1) SCC 405**, if the order is *de hors* of reasons and it is not sustainable and the supply of reasons subsequently by way of a response to notice in Court of law would

also not be sufficient. In view of the above, the rejection of the technical bid of the petitioner(s) is not liable to be sustained and deserves to be set aside.

Apart from the above, we have noticed in large number of cases that the State authorities reject the technical bid without assigning any reasons which results in unavoidable litigation. Further, in most of the cases our experience has been that the lowest bid which is accepted is much higher than the bidder whose technical bid is rejected. In the circumstances, we issue a general mandamus to the State of Haryana and its instrumentality to communicate the reasons for rejection of the technical bid in all the tenders in future. In so far as these 4 cases are concerned, learned State counsel states that the fresh orders in respect of all these petitions shall be passed within two weeks from today after notice and opportunity of hearing to all the stake holders.

In view of the above statement, we need not to go any further into the issue and the petitions stand finally disposed of, in the above terms. The interim order shall continue to remain in operation till the orders are passed, as indicated above.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

13.03.2019

Manoj Bhutani

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