

**CWP No. 7180 of 2019
DECIDED ON: MARCH 15, 2019**

M/S SHIV SHANKAR BANSAL & COMPANY

.....PETITIONER

VERSUS

HARYANA TOURISM CORPORATION LTD. & ORS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE AVNEESH JHINGAN, JUDGE**

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

KRISHNA MURARI, CHIEF JUSTICE (ORAL)

Petitioner has approached this Court, seeking writ of certiorari to quash the award of tender of the proposed convention/Banquet Hall at Karna Lake, Tourist Complex, Karnal in favour of respondent No.4. Further, a writ of mandamus has been sought seeking directions to the respondents to consider the claim of the petitioner and to award the contract to the petitioner as well as for staying the functioning of the private respondent No.4 qua the construction of convention/Banquet Hall at Karna Lake, Tourist Complex, Karnal.

2. Admittedly, in pursuance of Notice Inviting E-Tender petitioner as well as respondent No.4 submitted their bids alongwith others. There is also no dispute about the fact that bid submitted by respondent No.4 was lowest and the petitioner was L-2. Accordingly, tender was awarded in favour of respondent No.4. Petitioner has approached this Court, challenging the same on the ground

that respondent No.4 does not qualify one of the essential conditions prescribed in the notice of 'having experience of satisfactorily completed one similar work amounting to 80% of DNIT cost or two similar work amounting to 50% of DNIT cost or three similar work amounting to 40% of DNIT in Hotel Industry/Tourism Department/Public Sector/Government Sector during the last seven years preceding the date of opening of tender.

3. The issue being raised in the petition requires investigation into questions of facts and thus it would be appropriate that a fact finding authority considers the grievance of the petitioner in the first instance. From the pleadings we find that petitioner has already approached the respondent authorities by making a representation/legal notice dated 28.01.2018 ventilating his grievance.

4. Considering the fact, we dispose of this petition directing respondent No.1-Managing Director, Haryana Tourism Corporation Ltd., Chandigarh to take appropriate decision on the legal notice dated 28.01.2019 (Annexure P-4) served by the petitioner within a period of two weeks from the receipt of certified copy of this order, after notice an opportunity of hearing to all the stakeholders by passing a speaking order.

(KRISHNA MURARI)
CHIEF JUSTICE

MARCH 15, 2019
sham

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No