

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

CWP-10984-2019 (O&M)

Date of decision:- 23.05.2019

Zora Singh & Company and another

...Petitioners

Versus

State of Haryana and others

...Respondents

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

Present:- Mr. Ashish Chopra, Advocate,
Ms. Rupa Pathania, Advocate,
for the petitioners.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana,
for respondents No. 1 to 3.

Mr. Vijay Pal, Advocate,
for respondent No. 4.

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KRISHNA MURARI, C.J. (ORAL)

The challenge in this writ petition is to an e-mail dated 13.04.2019 rejecting the technical bid of the petitioners on account of some discrepancies found therein. Two reasons were set out in the said e-mail : (1) Solvency certificate is not attached. (2) Agreement of twenty trucks in proper way & remaining agreement not in proper way.

2. It is not in dispute that reason No. 2 mentioned in the e-mail is of no consequence as the official respondents themselves have conceded that the said reason was not in existence for rejecting the technical bid of the petitioners to be non-responsive.

3. In so far as the issue of solvency certificate is concerned, learned counsel for the petitioners pointed out that the certificate given by the bank was filed alongwith the technical bid and it itself records that it is a solvency certificate. However, learned counsel appearing the respondents

relied on an e-mail dated 15.04.2019 received from the bank certifying that the solvency certificate issued by them to the petitioners was not actually a solvency certificate.

4. Learned counsel for the petitioners also pointed out that in large many tenders, an identical certificate issued by the bank has been accepted by the official respondents as the insolvency certificate.

5. Be that as it may, it is not disputed that the tender was finalized in favour of respondent No. 4 who has already executed more than half of the work. In the facts and circumstances, we feel that if any rights of the petitioners are infringed illegally by the respondents, they would be entitled to be compensated by way of claiming damages to be determined in appropriate proceedings. We are further of the opinion that the appropriate proceedings for such determination could be a forum where the parties can lead evidence to establish their respective rights. In such circumstances, the original suit in a Court of law of competent jurisdiction would be the remedy available to the petitioners to claim damages by way of compensation, in case they are so found entitled to.

6. Accordingly, we dispose of the writ petition with liberty to the petitioners to avail the remedy of filing a civil suit in respect of the grievances, in case, they are so advised.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

23.05.2019

Amodh

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