

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

**CWP No. 15679 of 2019
Date of decision: 31.05.2019**

**M/s Mittal Machine Pvt. Ltd. through its Director Sh. Ashish Aggarwal
... 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. Kanwaljeet Singh, Sr. Advocate, with
Mr. Gautam Sehgal, Advocate,
for the petitioner.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

The petitioner has approached this Court, seeking following
main reliefs:-

***(I) a writ in the nature of certiorari quashing the
award of the contract dated 22.1.2019 (Annexure P-5)
granted to the respondent No.4 in violation of the terms
and condition of E-tender issued by official
respondents;***

***(ii) a writ in the nature of mandamus directing the
official respondents to immediately hold negotiations in
accordance with the terms and conditions with
tenderors up to L-3 which include the petitioner before
further execution of the work.***

The aforesaid reliefs are being claimed in the background of the fact that the petitioner-company being L-3 in the tender process, in accordance with the instructions and guidelines contained in the tender notice, ought to have been called for negotiations to match or to better the bid.

Admittedly, the contract was finalized with respondent No.4 on 22.1.2019 and equally undisputed is the fact that execution of the contract is underway. In such circumstances, no effective relief can be granted to the petitioner in this petition and the only remedy available to him is to seek damages in appropriate proceedings before the civil court, by establishing his claim.

In view of the above, we dismiss this writ petition, with liberty to the petitioner to seek appropriate remedy by filing a civil suit before the civil court for redressal of his grievance, in case he is so advised.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 31, 2019

AK Sharma

Whether speaking / reasoned:
Whether Reportable:

YES
NO