

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

CWP-19908-2019 (O&M)

Date of decision:- 24.07.2019

Pankaj Kumar

...Petitioner

Versus

Food Corporation of India and another

...Respondents

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

Present:- Mr. Abhinav Gupta, Advocate,
for the petitioner.

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ARUN PALLI, J. (ORAL)

Notice of motion.

Mr. K.K. Gupta, learned counsel who is present in Court, accepts notice on behalf of the respondents. Copy furnished.

In nature of the order we propose to pass in the petition at hands, no formal written statement/counter affidavit on behalf of the respondents is necessary, at this stage. Thus, with the consent of learned counsel for the parties, the petition is being finally disposed of.

2. Certiorari is prayed for to quash the tender inquiry dated 29.06.2019 (Annexure P-6) as the same has been issued despite the work in respect of the said tender qua Banga, Nawanshahr, Phillaur, Apra, Nurmahal, Bhogpur, Adampur, NGM, Jalandhar-II (Ladowali), Kartarpur, Nakodar and M/Shahkot Lohia Khas Centres (District Jalandhar) already stands allotted to the petitioner.

3. In brief, pursuant to the tender inquiry dated 16.11.2018, respondents had invited bids for supply of

50-Micron Low Density Polyethylene (LDPE) sheets to be used as dunnage in railway wagons for District Jalandhar. The petitioner alongwith six others submitted their respective bids. For the petitioner was fully eligible and his bid being the lowest, vide letter dated 01.12.2018, the tender was finalized in his favour for a period of two years i.e. from 01.12.2018 to 30.11.2020. Further, in terms of clause 9 of the tender document, the petitioner deposited 50% of the security i.e. ₹ 6,58,000/- and had also furnished a bank guarantee of ₹ 13,17,100/-. Whereupon, the work order was issued in his favour. And for he performed a part of the contract, certain payments were also sanctioned by the respondent-authorities.

4. However, the limited grievance that the petitioner has is: during the currency of the said contract, the respondents have issued a fresh tender inquiry dated 29.06.2019 with respect to the same work and Centers. It is urged that being surprised with the move of the respondent-authorities, the petitioner even represented to the General Manager of the respondents-Corporation, vide representation dated 08.07.2019, and prayed for withdrawal of the tender inquiry, but to no avail.

5. At this stage, and in response, learned counsel for the respondents submits that as the concern raised by the petitioner as also the representation dated 08.07.2019 is pending consideration of the authorities, therefore, this petition be disposed of, at this stage, only with a direction to consider and deal therewith and pass appropriate orders.

6. In the wake of the above and without commenting upon the merits of the lis, we deem it expedient to dispose of this petition only with a direction to the respondent-authorities to

petitioner and pass appropriate orders thereupon within a week after affording an opportunity of hearing to all the stakeholders.

7. In the wake of the fact that the bids pursuant to the tender inquiry dated 29.06.2019 have since been received, the tendering process qua Centers Banga, Nawanshahr, Phillaur, Apra, Nurmahal, Bhogpur, Adampur, NGM, Jalandhar-II (Ladowali), Kartarpur, Nakodar and M/Shahkot Lohia Khas shall remain suspended till the orders, as indicated above, are passed and for a period of one week thereafter.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

24.07.2019
Anodh

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