

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

CWP-20739-2019 (O&M)

Date of decision:- 27.08.2019

M/s Kansal Industrial Gases

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Kshitij Sharma, Advocate,
for the petitioner.

Ms. Monica Chhibbar Sharma, Senior DAG, Punjab.

Mr. Ajaivir Singh, Advocate,
for the caveator-respondent No. 4.

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ARUN PALLI, J. (ORAL)

CM-11352-2019

Leave is granted to place on record the correct copy of Annexure P-10 filed on behalf of the petitioner and the application is allowed.

CWP-20739-2019

The petitioner prays for a writ of mandamus directing the official respondents to carry out the tender process in a fair and transparent manner and decide his representations dated 28.06.2019 (Annexure P-5) and 16.07.2019 (Annexure P-7) and re-evaluate his technical bid as well as that of respondent No. 4 by strictly adhering to the detailed notice inviting tender dated 28.05.2019 by taking into consideration the last date for submission of the technical bid as mentioned in the detailed notice itself i.e. 10.06.2019.

The petitioner further seeks a direction to the official respondents not to issue the Letter of Intent (LoI) in favour of respondent No. 2 until his representations are

decided through a speaking order and re-float the tender as there are only two bidders.

2. Concededly, the tender was required to be submitted by 11.06.2019. It is not disputed that after respondent No. 4 was found to be technically compliant, the authorities opened the price bids on the same day and the work was accordingly assigned on 02.08.2019 i.e. during the pendency of the petition at hands.

3. Having argued the matter at some length, learned counsel for the petitioner, upon instructions, submits that as the contract was only for a period of one year and is being executed, the petitioner shall be satisfied if the petition is disposed of only with a direction to the respondent-authorities to consider and decide the representations they were served with i.e. dated 28.06.2019 (Annexure P-5) and 16.07.2019 (Annexure P-7) addressed to the Director, Punjab Livestock Development Board, S.A.S. Nagar, Punjab.

4. Learned counsel for the respondents do not oppose the submission advanced by learned counsel for the petitioner and rather learned State counsel submits that if the representations alleged to have been submitted by the petitioner are indeed pending consideration, the same shall be considered and decided in accordance with law and appropriate orders thereupon shall be passed within two weeks from today.

5. The petition is accordingly disposed of in the above terms.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

27.08.2019
Amodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No