

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

CWP-24003-2019 (O&M)

Date of decision:- 02.09.2019

Nextenders (India) Private Limited

...Petitioner

Versus

State of Haryana and another

...Respondents

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

Present:- Mr. Puneet Kakkar, Advocate,
for the petitioner.

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KRISHNA MURARI, C.J. (ORAL)

Notice of motion.

Mr. Deepak Balyan, learned Additional Advocate General, Haryana, 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. The Supplies & Disposals Department, Ministry of Industry and Commerce, Government of Haryana invited bids for selection of managed service provider e-procurement system for goods and stores, works and services. The limited grievance that the petitioner has is: vide letter dated 26.08.2019 (Annexure P-6), the technical bid submitted by the petitioner was rejected on the ground that it failed to meet the requirement of condition No. 8 of DNIT (Geographical Presence).

3. Learned counsel for the petitioner submits that while disqualifying the petitioner, the authorities had given an opportunity to the petitioner to submit its

response/representation within a period of five days, if it disputed the alleged ineligibility or rejection of its technical bid. He submits that petitioner submitted its response vide representation dated 30.08.2019 (Annexure P-7) and clarified that the technical bid submitted by it was fully compliant and the petitioner satisfied the eligibility conditions. He further submits that the price bid is slated to be opened tomorrow and as no decision has been taken by the authorities upon its response/representation, in the event the price bid is opened and the work is assigned to a successful bidder, its rights and interest shall suffer.

4. In response, learned State counsel submits that let this petition be disposed of, at this stage, only with a direction to the respondent-authorities to consider and deal with the response/representation dated 30.08.2019 submitted by the petitioner and pass appropriate orders thereupon.

5. In the wake of the above and without commenting upon the merits of the issue, we deem it expedient to dispose of this petition, at this stage, only with a direction to the respondent-authorities that if indeed any such response/representation, as indicated above, is pending consideration, the authorities shall pass appropriate orders thereupon today itself in accordance with law. Needless to assert that the authorities shall pass a comprehensive order assigning reasons in support thereof.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

02.09.2019
Amodh

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