

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

CWP-26597-2019 (O&M)

Date of decision:- 19.09.2019

Inderjeet Singh and another

...Petitioners

Versus

Postgraduate Institute of Medical Education and
Research, Chandigarh and others

...Respondents

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

Present:- Mr. Harkesh Manuja, Advocate,
for the petitioners.

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KRISHNA MURARI, C.J. (ORAL)

Respondent No. 1 - Institute published a tender for leasing out built up Doctor's Canteen, 5th Floor, Nehru Hospital, PGIMER, Sector 12, Chandigarh.

2. The petitioners alongwith other tenderers submitted their bids which were to be opened on 11.09.2019 at 2.00 PM. It is urged that as per the tender conditions, the tenderer had to produce all the documents in original at the time of opening of the tender in support of the photocopies appended with the bid documents and in case the bidder failed to furnish any of those documents, his/her Earnest Money Deposit (EMD) was required to be forfeited and he was to face debarment for a period of two years.

3. The limited grievance that the petitioners has is that representative of respondent No. 3, who was present at the time of evaluation of the technical bid, failed to produce the original PAN Card which was one of the essential conditions. Thus, it is submitted that the technical bid of respondent No. 3 was required to be rejected at that stage itself, whereas respondent No. 3 was granted opportunity to produce the requisite document. Not just that, thereafter even

the price bid of respondent No. 3 was opened on 12.09.2019 and it was declared to be the highest bidder.

4. Learned counsel for the petitioners submits that there is no dispute that respondent No. 3 is indeed the highest bidder for it submitted a bid of ₹ 3,33,000/- per month, whereas the bid submitted by the petitioners was ₹ 3,22,000/- per month. However, the only grievance that the petitioners has is that in terms of the tender conditions, in the event any of the bidders failing to produce the original documents photocopies whereof were appended with the bid, the technical bid of the tenderer ought to have been rejected. He submits that the petitioners even expressed their grievance to respondent No. 1 - Institute vide representation dated 12.09.2019 (Annexure P-3), but to no avail. In fact, at this stage, learned counsel for the petitioners submits that let this petition be disposed of in the first instance only with a direction to respondents No. 1 and 2 to consider and deal with the grievance made by the petitioners in their representation and let appropriate orders be passed within a specified time.

5. In the wake of the above and without commenting upon the merits of the lis, we find it expedient to dispose of this petition only with a direction to respondents No. 1 and 2 that if indeed any such representation, as indicated above, is pending consideration, the same shall be considered and appropriate orders thereupon shall be passed within a period of one week from the receipt of the certified copy of this order after notice and opportunity to all the stakeholders.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

19.09.2019
Anodh

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