

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

CWP-29105-2019 (O&M)
Date of decision:- 17.10.2019

M/s Alliance Envirocare Company Pvt. Ltd.

...Petitioner

Versus

U.T., Chandigarh through its Secretary-Health,
Department of Health and Family Welfare, Chandigarh and
others.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SHARMA

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate,
with Mr. Suvir Sidhu, Advocate,
for the petitioner.

Mr. Pankaj Jain, Senior Standing Counsel,
with Mr. Tarun Walia, Advocate,
for the respondents - Union Territory, Chandigarh.

* * * *

RAVI SHANKER JHA, C.J. (ORAL)

Though the petition is listed for urgent hearing,
with the consent of learned counsel for the parties, the same
is being heard and finally disposed of.

This petition has been filed by the petitioner
challenging the tender notice dated 28.09.2019 inviting the
bids through e-tendering for hiring of service provider for
collection, transportation, treatment and disposal of bio-
medical waste for Health Department, U.T., Chandigarh and
Government Medical College and Hospital, Sector 32, Chandigarh.

The learned senior counsel appearing for the
petitioner submits that the respondents have already entered
into an agreement with the petitioner as service provider for

the Health Department, U.T., Chandigarh and Government Medical College and Hospital, Sector 32, Chandigarh which is in subsistence. It is submitted that under clause 9 of the agreement entered into between the parties on 07.12.2017, prior intimation of termination has to be given to the affected party sixty days before taking any action regarding termination of the contract. It is submitted that the respondent-authorities without giving any such notice have issued the impugned tender notice. Hence this petition.

It is submitted by learned senior counsel appearing for the petitioner that during the subsistence of the agreement between the parties, the respondent-authorities cannot be permitted to proceed with the tender proceedings for the purpose of awarding the service contract to some other person.

Shri Pankaj Jain, learned senior standing counsel appearing for the U.T. Administration, submits that the respondents have no intention of violating the terms of the contract. He makes a statement before this Court, on the basis of instructions from Dr. Parmjit Singh, Deputy Medical Superintendent for DHS, U.T, Chandigarh, who is present in the Court, that they would issue necessary intimation of termination under clause 9 of the contract as and when the authorities propose to terminate the same. It is clarified on the instructions from the officer concerned that as of date the contract between the parties subsists and shall continue to subsist till the time the same is terminated by the authorities.

He further submits that an immediate action of termination cannot be taken up at this stage on account of the fact that the bio-medical waste is required to be disposed of

during the interim period till the time the auction and tender proceedings are finalized afresh for which the authorities have issued the tender notice. He further submits that the petitioner would also have full opportunity and liberty to participate in the same, if he is found eligible in accordance with the eligibility clause mentioned in the tender notice and in case the petitioner does so, his case would also be considered for the award of the tender in future.

In view of the aforesaid statement of the learned senior standing counsel appearing for the Union Territory, Chandigarh, we find that there is no cause of action arising, at this stage, compelling this Court to entertain the petition. Recording the statement of the learned senior standing counsel for the Union Territory, Chandigarh, the petition is disposed of. It is made clear that the petitioner shall be at liberty to participate in the tender process in accordance with law.

With the aforesaid observation, the petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(RAJIV SHARMA)
JUDGE

17.10.2019
Amodh

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