

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-30787-2019

Date of Decision: November 16, 2019

M/s Happy Enterprises

.... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Mr. Naresh Gopal Sharma, Advocate,
for the petitioner.

Ravi Shanker Jha, Chief Justice (Oral)

This petition has been filed by the petitioner being aggrieved by rejection of its technical bid submitted by him pursuant to tender notice dated 22.03.2019 by Department of Food, Civil Supplies and Consumer Affairs for awarding of Labour and Cartage contract.

It is submitted by the learned counsel for the petitioner that bid was rejected without assigning any reason by simply informing the petitioner that its technical bid stood rejected. It is further submitted that before the First Appellate and the Second Appellate authorities, the respondents disclosed the fact that the bid has been rejected on account of the fact that the petitioner had not given the Aadhar Card numbers of 250 employees which was necessary as per clause 5(E) of tender document (Annexure P/1). Learned counsel for the petitioner further submits that the petitioner's bid was rejected without giving any opportunity to the petitioner to remove the lacuna or without assigning any reason or communicating the same. It is also submitted that the tender document did not require the petitioner to produce the details. Hence, the

impugned orders passed by the authorities are contrary to law and deserve to be set aside.

We have heard learned counsel for the petitioner and perused the impugned orders passed by the First as well as Second Appellate authority. We have also perused clause 5(E) of the tender document (Annexure P/1), on perusal whereof, it is apparent that the tenderer is required to upload the list of workers along with their Aadhar card numbers and in the instant case, the requirement of minimum work force of 250 workers. The First and Second Appellate authorities have given a categorical finding that the petitioner had uploaded aadhar cards of only 236 employees and not of 250 employees which fact is undisputed. In the circumstances, the petitioner has admittedly not complied with the tender condition and therefore, its tender has rightly been rejected by the Tender Committee and the rejection has been upheld by the First and Second Appellate authorities.

In these circumstances, we do not find any reason to interfere with the impugned orders as there is no illegality or perversity in the impugned orders.

Accordingly, the petition is dismissed.

(Ravi Shanker Jha)
Chief Justice

November 16, 2019
vkd

(Rajiv Sharma)
Judge

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