

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

CWP-32795-2019 (O&M)

Date of decision:- 18.11.2019

Balwinder Singh

...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. M.L. Saggar, Senior Advocate,  
with Ms. Armaan Saggar, Advocate,  
for the petitioner.

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**RAVI SHANKER JHA, C.J. (ORAL)**

This petition has been filed by the petitioner praying for quashing the order dated 01.10.2019 passed by respondent No. 1 and the order dated 03.07.2019 passed by respondent No. 2.

The facts leading to the filing of the petition are that the petitioner had initially applied for award of contract for transportation of food grains for Ajnala-1 cluster, District Amritsar. In the said proceedings, respondent No. 6 - Surinder Kumar was L-1 and was awarded the contract. The petitioner being aggrieved by the award of the contract filed appeals before the first and the second appellate authorities which were dismissed. The petitioner thereafter filed CWP-14950-2019. The said writ petition was dismissed as infructuous by this Court on 31.05.2019 by recording a fact that the appeal filed by the petitioner had been rejected by an order dated 30.05.2019 and in view of the statement made by learned Senior Deputy Advocate General appearing for the State

of Punjab to the effect that a decision had been taken to withdraw the tender process by the authorities. Apparently, the petitioner took up the matter before the higher authorities which found that the award of the tender to respondent No. 6 - Surinder Kumar was not in accordance with the prescribed procedure. The authorities accordingly as per clause 10 of the terms of the contract offered the petitioner the contract at the same rate that had been offered and tendered by respondent No. 6 - Surinder Kumar, but the petitioner refused to accept the same. Apparently, after various litigations, the tender was again floated and has subsequently been awarded to respondent No. 5 - Gurkirat Singh. It is also an undisputed and admitted fact that the petitioner did not participate in the latest tender proceedings.

The learned senior counsel appearing for the petitioner submits that the petitioner was the successful bidder in the previous tender proceedings subsequent to the finding recorded by the authorities themselves that the tender had wrongly been awarded to respondent No. 6 - Surinder Kumar. He submits that in such circumstances, the entire proceedings taken up by the official respondents be quashed and they be directed to award the tender to the petitioner, as on disqualification of respondent No. 6 - Surinder Kumar, the petitioner would become the successful tenderer.

We have heard learned senior counsel for the petitioner at length. We have also examined the orders passed by the first and the second appellate authorities in detail. From the same, it is apparent that respondent No. 6 - Surinder Kumar after being held as L-1 withdrew and refused to perform the contract and accordingly as per clause 10 of the

policy the work was offered to the petitioner at the price quoted by L-1 i.e. Surinder Kumar. It is also an admitted and undisputed fact that the petitioner refused to perform the contract at the rate tendered by respondent No. 6 - Surinder Kumar who was L-1. In such circumstances, as the work was offered to the petitioner as per clause 10 of the policy and he had refused to accept the same at the rate offered by L-1, he has rightly been held not entitled to the award of the contract. It is also evident that the petitioner has not taken part in the subsequent tender proceedings that were initiated by issuance of the tender dated 13.06.2019. In the circumstances, no interference in the said tender proceedings can be undertaken at the behest of the petitioner who neither participated in the said proceedings, nor was a tenderer therein.

In view of the aforesaid, we do not find any illegality in the orders passed by the authorities warranting interference. The petition filed by the petitioner being meritless is accordingly dismissed.

**(RAVI SHANKER JHA)**  
**CHIEF JUSTICE**

**(RAJIV SHARMA)**  
**JUDGE**

**18.11.2019**

Amodh

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |