

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

CWP-34916-2019 (O&M)
Date of decision:- 02.12.2019

M/s Jay Bee Industries

...Petitioner

Versus

Punjab State Power Corporation Limited, Patiala and
another

...Respondents

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

Present:- Mr. Sourabh Goel, Advocate,
for the petitioner.

Mr. Vishal Gupta, Advocate,
for the respondents.

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RAVI SHANKER JHA, C.J. (ORAL)

This petition has been filed by the petitioner alleging that the respondent-authorities have rejected the tender filed by the petitioner without assigning any reason or passing any speaking order.

It is stated that the petitioner had applied for award of a contract pursuant to Notice Inviting Tender dated 19.09.2019 for procurement of 40,000 numbers of 16 KVA three phase, 50 cycles, outdoor type, oil immersed, naturally cooled, core or shell type, stack/wound core type construction (aluminium wound), CRGO/Amorphous core distribution transformers complete with fittings as per PSPCL specification & conforming to IS 1180 & 2026 standards. It is stated that the petitioner's tender was rejected by the authorities without assigning any reason for the same.

The learned counsel appearing for the respondents per contra submits that the petitioner was duly informed about the rejection of its bid vide Annexure P-6 dated 23.10.2019.

The learned counsel for the petitioner submits that it has filed representations against the non-opening of the tender before the authorities, but no decision has been taken by the authorities till date. It is stated that the petitioner has one unit in village Bhatian, Nalagarh, Himachal Pradesh and the other in Panchkula, Haryana and it is on account of certain deficiencies in supply made by the Nalagarh unit that the authorities are not opening the petitioner's tender.

Be that as it may, as the petitioner has already approached the authorities by filing the representations, we propose to dispose of the petition by directing the authorities to consider and decide the petitioner's representations in accordance with law after taking all the facts and circumstances into consideration.

It goes without saying that the petitioner, if aggrieved by the decision of the authorities, would be at liberty to avail the remedy available to the petitioner under the terms of the contract or the bidder's agreement.

With the aforesaid observations, the petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(RAJIV SHARMA)
JUDGE

02.12.2019
Amodh

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