

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

**CWP-19846-2018 (O&M)
Date of Decision: April 10, 2019**

M/s Bafna Health Care Private Limited

...Petitioner

Versus

State of Haryana and another

...Respondents

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

HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

**Present: Mr. V.K. Sachdeva, Advocate,
for the petitioner.**

**Mr. B.R. Mahajan, Advocate General, Haryana, with
Mr. Kuldeep Tewari, Addl. AG, Haryana.**

KRISHNA MURARI, C.J. (ORAL)

Challenge in this petition has been made to the letter dated 20.06.2018 (Annexure P-2), declaring the petitioner as not qualified, and the order dated 05.07.2018 (Annexure P-1), rejecting the technical bid offered by it, by the Technical Evaluation Committee.

Learned Advocate General for the State of Haryana, during course of hearing points out that during the pendency of this writ petition though before the petition was filed and an interim order was passed, the tender was already allotted in favour of M/s Kamal Coach Works Private Limited, who was sought to be impleaded subsequently as a party respondent by the petitioner and even the work order has already been

completed by the said company. Thus, the entire process has come to an end rendering this petition infructuous.

Learned counsel for the petitioner has raised a number of issues to urge that though the petition is rendered infructuous but since the rejection of the technical bid is illegal, without any reasonable justification, even if the period has expired and the tender has come to an end, in case the petitioner has been discriminated illegally, it is entitled to be compensated by way of damages. However, for not a minute learned counsel for the petitioner disputes that this Court is not a proper forum before whom the claim for compensation could be raised by the petitioner for adjudication.

It goes without saying that the issue would require an adjudication into the questions of facts which can only be made on the basis of evidence. Thus, we feel that it would be more appropriate if the petitioner approach an appropriate forum which can enter into questions of facts, receive evidence and thereafter adjudicate upon the issue of compensation. In the circumstances, in our considered view, civil suit is the best remedy available to the petitioner.

Accordingly, we dispose of this petition with liberty that in case the petitioner so desires and is advised, it may approach the Civil Court for redressal of its grievance. Needless to observe that if the petitioner decides to avail the remedy of filing of a civil suit, all endeavour shall be made by the Civil Court to decide the same, in accordance with law, as expeditiously as possible.

Since the main petition itself has been disposed of, no orders are required to be passed in the pending civil miscellaneous applications.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

April 10, 2019

Pk Kapoor

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO