

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No. 3143 of 2020 (O&M)

Date of Decision: 05.02.2020

M/s Bhagwati Technologies

.....Petitioner

versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. K.S.Nalwa, Advocate, for the petitioner.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

This petition has been filed by the petitioner praying for quashing the order dated 29.01.2020 passed by respondent No.4 whereby all the technical and financial bids of the persons, who had submitted their bids, have been rejected. The petitioner has also prayed for conducting an enquiry against respondents No.5 and 6 for their *mala fide* act of opening the technical and financial bids together and violating the secrecy of the tender proceedings. In addition, the petitioner has also prayed for staying the fresh tender proceedings initiated by the respondents vide tender notice dated 31.01.2020.

Learned counsel for the petitioner submits that pursuant to the tender notice dated 28.01.2019, the respondents authorities invited tenders for replacement of street lights with LED lights in Municipal Council, Dabwali. It is submitted that the bidders were required to submit the technical and financial bids separately. It is alleged by the petitioner in the petition that inspite of the aforesaid specific condition in the NIT,

respondents No.5 and 6 opened the technical and financial bids of all the tenderers on 20.01.2020 with a *mala fide* intent to oblige one bidder and thereafter rejected all the technical bids. It is submitted that once the authorities have come to know of the financial bids submitted by all the tenderers, the secrecy and sanctity of the tender process has been violated and the authorities after coming to know of the financial bids of the petitioner and others have issued a fresh tender notice on 31.01.2020 only with a view to favour one particular tenderer. Learned counsel for the petitioner submits that he has made specific allegations in this regard in para-9 of the petition.

We have heard learned counsel for the petitioner and have perused the petition.

From a perusal of the petition, it is evident that the authorities have invited tenders from the eligible persons for the work of replacement of street lights with LED lights in Municipal Council, Dabwali and a clause of the NIT, a copy of which has been filed along with the petition as Annexure P-1, specifies that the authorities have adopted two cover system and invited technical and financial bids separately in two separate envelopes. The assessment of the bids made by the respondents vide Annexure P-5 filed by the petitioner along with the petition further indicates that all the tenders have been rejected by the respondents' authorities as they have failed to qualify the technical requirements mentioned in the tender notice except for one bidder.

The facts on record further reveal that the authorities on the basis of the said analysis have opted for fresh tender proceedings by issuing another tender notice for the same work on 31.01.2020. From a perusal of the petition, it is further evident that though the petition has been filed on the

allegations that the respondents wish to award the tender and the work to some particular person, such a person has neither been named nor impleaded as a party in the petition. A perusal of the petition further indicates that though respondents No.5 and 6 have been impleaded by name, there is no factual foundation laid in the petition as to how they are connected with some person who has not been named and on what basis they have been influenced or are trying to help an unknown person. Apparently, the allegations against respondents No.5 and 6 are totally unsubstantiated contrary to the strict law of pleadings relating to *mala fide*. On the contrary, the facts on record indicate that the respondents have examined the tenders and at the first instance rejected all the bids except one and have, thereafter, gone for fresh tender proceedings, which cannot be found fault with. There is no document on record to indicate that the authorities have opened the technical and financial bids together as alleged by the petitioner and the argument in this regard based on Annexure P-5 is misconceived as there is nothing in this document to indicate that the authorities have opened both the technical and financial bids simultaneously and thereafter rejected the tenders.

In the circumstances, we do not find any ground to entertain the petition or to set aside the action of the respondents as the same is in accordance with law. The petition filed by the petitioner is meritless and accordingly stands dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

05.02.2020

ravinder

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