

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

CWP No.4011 of 2020 (O&M)

Date of Decision :17.02.2020

M/s Jay Bee Industries

.....Petitioner

Versus

Punjab State Power Corporation Limited and another

..... Respondents

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

Present : Mr. Chetan Mittal, Sr. Advocate with
Mr. Sourabh Goel, Advocate and
Mr. Mayank Aggarwal, Advocate for the petitioner.

Mr. Vishal Gupta, Advocate for the respondents.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

This petition has been filed by the petitioner being aggrieved by his disqualification from participating in the tender proceedings taken up by the respondent-authorities regarding the tender issued by them for supplying of 100 KVA distribution transformers. It is submitted that the authorities while treating the petitioner to be disqualified has not taken into consideration the fact that the authorities had themselves extended the last date for supplying the transformers and had also not taken into consideration the subsequent supply of transformers made by the petitioner. It is also pointed out that certain similarly placed contractors/tenderers namely M/s Arun Enterprises Limited Ghaziabad, M/s Mahashakti Energy Limited, Bathinda and Eswari Electrical Private Limited, Chennai, and several others who had committed the similar default were exempted by condoning the default and were permitted to participate in the tender proceedings on the ground that there is no financial implication. It is submitted that the petitioner has been differently treated and has been denied benefit of relaxation.

Learned counsel appearing for the respondents on advance notice and on instructions from Gurbax Singh, Chief Purchasing Officer, PSPCL, submits that the case of the petitioner was considered by the highest authorities i.e. the Board of Punjab State Power Corporation Limited and the prayer for exemption and deletion from the list of the defaulters made by the petitioner was rejected by the Board in its 79th meeting on 19.12.2019. However, it is not disputed that the issue raised by the petitioner in the present petition regarding deferment of date of supply and granting benefit and exemption to similarly placed tenderers has not been considered by the Board.

In such circumstances and in view of the statement of the learned counsel appearing for the respondents, the petition filed by the petitioner is disposed of by granting liberty to the petitioner to file a fresh representation before the authorities which shall be taken up and considered by the Board of the respondents within two weeks, as stated by learned counsel for the respondents. However, it is made clear that the petitioner would be at liberty to place further documents along with his fresh representation and shall also be granted hearing if so required to enable the Board to take an informed decision in the matter and convey the same to the petitioner. It goes without saying that the decision in the tender proceedings would be subject to the decision of the Board in respect of the petitioner. With the aforesaid directions the petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

17.02.2020
Manoj Bhutani

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