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IN THE HIGH COURT OF PUNJAB AND  
HARYANA AT CHANDIGARH

CWP-7884-2020 (O&M)

Date of Decision: 19<sup>th</sup> August, 2020

MCT CARDS AND TECHNOLOGY PVT. LIMITED

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

**CORAM: JUSTICE S. MURALIDHAR  
JUSTICE AVNEESH JHINGAN**

Present: Mr. Akshay Bhan, Senior Advocate with Mr. Amandeep  
Singh Talwar, Advocate for the Petitioner.

Ms. Monica Chhibber Sharma, Senior DAG, Punjab.

**Dr. S. Muralidhar, J.**

**CM-7625-CWP-2020**

1. This is an application for placing on record the replication to the written statement filed on behalf of Respondent Nos. 2 and 3.

2. For the reasons stated therein, the application is allowed. The replication is taken on record.

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3. The challenge in the present petition is to the rejection by the Respondents of the Petitioner's technical bid by an order dated 30<sup>th</sup> March, 2020, pursuant to the floating of an e-tender, inviting online bids for the selection of an implementing agency for the supply and personalization of smart ration cards in Punjab.

4. It must be mentioned that the Petitioner i.e. M/S MCT Cards and

Technology Pvt. Limited is a subsidiary of Manipal Technologies Limited ('MTL'). From the perusal of the impugned order dated 30<sup>th</sup> March, 2020, it is apparent that the primary ground for rejection of the Petitioner's bid is that there has been a serious allegation of fraud and violation *qua* the holding company i.e. MTL, which is allegedly involved in an incident concerning the leakage of the question paper of PGMET-2014 of Andhra Pradesh and Telangana. The Committee constituted by the Respondents examined the documents tendered by the Petitioner and came to the conclusion that "as the holding company cannot be qualified as per the terms of the tender condition so this company i.e. M/s MCT Cards and Technology Pvt. Ltd. is also not eligible".

5. As it transpired, Respondent No. 3 was declared the lowest bidder and the contract was awarded to it.

6. When this writ petition was first heard by the Court on 9<sup>th</sup> June, 2020, the following order was passed:

"Case taken up through video conferencing.

Counsel for the petitioner has submitted that the petitioner is not vying for the contract which has already been given to respondent No. 3. The petitioner is only aggrieved against the action of respondents No. 1 and 2 by which the stigma has been attached to its name for all times to come without taking into consideration the relevant documents, much less, the fact that the petitioner was not a party in the paper leak in the year 2014 and the other company namely M/s Manipal Technology Ltd. has also not even arrayed as an accused in the criminal case.

Counsel for the petitioner has also submitted that he does not want to proceed against respondent No. 3.

Accordingly, notice of motion for 09.07.2020 in respect of respondents no. 1 and 2 only."

5. Subsequently, when the case was heard on 11<sup>th</sup> August, 2020, the

following order was passed:

“1. This writ petition has been taken up for final hearing. One of the issues that arise for consideration is whether the ground on which the Petitioner’s tender has been rejected by the impugned order dated 30th March, 2020 viz., that since the Petitioner’s holding Company cannot qualify in terms of the tender conditions, the Petitioner is also not eligible, can be said to be legally sustainable?

2. It was noted by this Court in its order dated 9th June, 2020, that the Petitioner is not questioning the award of the tender to Respondent No. 3, but is anxious that the ground on which its bid has been rejected should not be allowed to remain as it will affect its ability to bid for other contracts, not only of Respondent Nos. 1 and 2, but of other entities as well.

3. The Court finds that the reply filed by the Respondent Nos. 1 and 2, although long after the order dated 9th June, 2020 of this Court, does not address this particular aspect.

4. At this stage, Ms. Monica Chhibber Sharma, Senior Deputy Advocate General, Punjab, seeks time to obtain instructions on whether the impugned order dated 30th March, 2020 can be recalled or clarified with reference to the concern expressed by the Petitioner.

5. At her request, list on 17th August, 2020.

6. The matter be treated as part heard.”

6. Ms. Monica Chhibber Sharma, Senior Deputy Advocate General, Punjab states that she has received instructions from Ms. Anandita Mitra, Director, Department of Food Civil Supplies and Consumer Affairs, Punjab to state that the rejection of the Petitioner's technical bid by the impugned order dated 30<sup>th</sup> March, 2020, for the reasons stated therein, viz., that since the Petitioner's holding company is disqualified in terms of the tender condition, the Petitioner would also be ineligible, will no longer be construed as precluding the Petitioner from bidding for tenders floated by the Respondents in the future.

7. In view of above clarification it is clear that the rejection of the Petitioner's technical bid by the impugned order dated 30<sup>th</sup> March, 2020 is not be construed as an order blacklisting the Petitioner from participating in future tenders floated by the Respondents and, for that matter, tenders floated by any other organization or entity in which one eligibility condition might be that the bidder should not have been blacklisted by any other organization or entity.
8. In view of above clarification, the principal grievance of the Petitioner *qua* the impugned order dated 30<sup>th</sup> March, 2020 rejecting the Petitioner's technical bid no longer survives.
9. The petition is disposed of in above terms.

(S. MURALIDHAR)  
JUDGE

(AVNEESH JHINGAN)  
JUDGE

19<sup>th</sup> AUGUST, 2020  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |