

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

CWP No.8146 of 2020 (O&M)
Decided on 05.10.2020

The Rahul Cooperative Labour and Construction Society Ltd.

.....Petitioner

VERSUS

Kurukshetra Development Board and others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present:- Ms.Raghav Sharma, Advocate, for the petitioner.

Mr.J.S.Bedi, Advocate, for respondent No.1.

RAJESH BHARDWAJ, J.

This petition has been filed by the petitioner for the issuance of a writ in the nature of Certiorari for quashing the comparative statement dated 28.05.2020 annexed as P-8 to the writ petition and intimation dated 09.06.2020 for tender ID2020_HBC_119033_1 annexed as P-2. It has been further prayed for the writ of Mandamus be issued directing the respondents to declare the petitioner as the lowest bidder as per the terms and conditions of the tender annexed as P-3.

As per the facts of the case, the respondent No.1-Kurukshetra Development Board had invited tender from the reputed firms for providing 40 number of workers for sweeping, cleaning of area in the jurisdiction of Kurukshetra Development Board, Kurukshetra. The same is annexed as Annexure P-2. Under the heading of Scope of Work at serial No.6,7 and 8, it has been categorically mentioned, wherein the bidder has been asked to disclose the rates for service charges, rates for

sanitation of material in lump sum and the rates for tractor trolley with the driver and fuel per month. In pursuance to the same, the respondent-Board received the bids from various agencies including the petitioner and respondent No.3. After having been declared successful technically the financial bids were examined by the respondent No.1 and finally the tender was allotted to the respondent No.3 who was found to be lowest bidder.

The counsel for the petitioner has contended that his financial bid being the lowest has been illegally and arbitrarily ignored. He has further vehemently contended that the bidder should have mentioned only the service charges but respondent No.3 instead of mentioning the service charges, quoted the gross amount and thus, committed a material irregularity and hence, respondent No.3 was ineligible for the allotment of the tender.

We have perused the record and heard the counsel for the both sides.

The respondent-Board has filed the reply and has annexed the comparative statement chart prepared on 05.03.2020 which has been annexed as R-2. On a careful perusal of the same, it is apparent that the rate of service charges per worker of the petitioner is Rs.219.83/- in comparison to the rates of respondent No.3 which was Rs.219.02/-. Further, the charges of 40 workers per month by the petitioner was Rs.446272.40/- in comparison to the same by respondent No.3 which was Rs.446240.00/-. Finally, the total cost to the respondent-Department under all the three components as per the rate quoted by the petitioner came out to Rs.474272.40/- whereas, the same in case of respondent No.3

came out to be Rs.469840.00/-. A further perusal of Annexure R-3 categorically shows that the rate quoted by the petitioner as service charges for 40 persons per month came out to be Rs.8793.20/- whereas, the same for respondent No.3 came out to be Rs.8760.80/-. Thus, in view of the categorical figures mentioned in the comparative chart by the respondent No.1, the contention of the petitioner that they were the lowest bidder has no merit whatsoever. The calculation arrived at in the relevant documents leaves no doubt in our mind that respondent No.3 was the lowest bidder and thus, has been rightly declared a successful bidder. Even otherwise, we find no irregularity sufficient enough not to declare respondent No.3 a successful bidder. We find no merit in this petition and thus, the same is dismissed.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

05.10.2020
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No