

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

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**CWP-11152-2020(O&M)
Date of Decision : 29.10.2020**

M/s Akshit Raj Narang Trading Company

....Petitioner

vs.

State of Punjab and others

....Respondents

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

Present :- Mr. Sameer Sachdeva, Advocate for the petitioner.

Ms. Anu Pal, DAG, Punjab.

Mr. M.S.Saini, Advocate for respondents No. 2 to 4.

Mr. Kamal Narula, Advocate for respondent No.6.

Mr. Rajesh Narang, Advocate for respondent No.7.

AJAY TEWARI, J.

This petition has been filed challenging the award of the tender of clearing debris to respondent No. 7.

The claim of the petitioner is that it had applied for the contract of clearing the debris from the Mandi (which includes grain etc.) and had deposited a draft of Rs. 3 lakhs (the precondition) in the office of the Market committee, Fazilka but it was not allowed to participate in the auction, rather by manipulation the draft which was actually deposited by him was shown to be deposited by some other person who was never authorised by the petitioner concerned. This was done to give undue benefit to the successful tenderer that is respondent No. 7. In reply the board has denied these assertions and stated that the person who had deposited draft was duly authorised by the petitioner. It is noticed that during the proceedings the petitioner was accompanying the

said Surender pal Singh .

Learned counsel for the petitioner has argued that in fact the Deputy Commissioner, Fazilka had also recommended that the auction can be cancelled and fresh auction be called but still respondent Nos. 2 and 3 awarded the contract to respondent No. 7. In reply, respondent No. 7 has controverted the allegations and has stated that in fact the person who deposited the draft was a person of the petitioner only and also appended the photographs where the petitioner is seen along with that person in the auction and also in the office of the respondent No. 3 at the time of the auction. Respondents No. 2, 3 and 4 have also filed a reply denying the averments made by the petitioner and have relied upon an enquiry made by the Deputy General Manager of the Mandi Board who has noticed all these facts and has held that the tender was rightly awarded. It cannot be denied that the question in this present petition is a pure question of fact. The Bench is confronted by contradictory reports. It may be mentioned that the report of the Deputy Commissioner is based on the advice of the District Attorney.

In view of this disputed question of facts, we do not find ourselves persuaded to interfere. Consequently, the petition stand dismissed.

Since the main case has been decided, the pending miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

29.10.2020
anuradha

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