

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 11153 of 2020 (O&M)
Date of decision:- 10.08.2020

M/s Dharampal and company

.....Petitioner

Versus

Food Corporation of India and others

...Respondents

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

Present:- Mr. Rajinder Goyal, Advocate, for the petitioner.
Mr. Sumit Jain, Advocate, for respondent-FCI.
Mr. Anurag Chopra, Advocate, for the private respondents.

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RAVI SHANKER JHA, C.J. (ORAL)

With the consent of learned counsel for the parties, the matter is being taken up and heard via video conferencing.

Learned counsel for the petitioner submits that he has been declared as non-responsive in the tender proceedings initiated by the respondent-FCI on the ground that he has not submitted the inspection report of the EPF authorities and the confirmation certificate of the principal employer as required by clause 3(iii) of the eligibility criteria and there is some discrepancy in his account statement.

Learned counsel for the petitioner submits that he has uploaded the inspection report of the EPF authorities as well as the confirmation certificate of the principal employer and the discrepancy in his account is only on account of the documents that have been given to the petitioner by the Food Corporation of India itself. He submits that in such circumstances, the petitioner has wrongly been declared as non-responsive and ineligible.

Learned counsel appearing for the Food Corporation of India as well as for the private respondent submit that there is a dispute resolution clause in accordance with which the petitioner has to first approach the authorities concerned against the rejection of his technical bid but the petitioner without having done so has directly approached this Court.

In view of the objection raised by learned counsel for the respondents, learned counsel for the petitioner submits that his petition be treated as a representation raising dispute under the relevant clause and may

be directed to be considered and decided by the respondent-authorities by taking into consideration all the issues raised therein.

Learned counsel for the respondents have no objection to the said prayer.

In the circumstances, the petition is disposed of by directing the respondent-Food Corporation of India to treat the petition as a dispute under the relevant clause against the rejection of his technical bid and to consider and decide it expeditiously within a week and in any case prior to 28.08.2020 i.e. the date from which the work awarded to respondent No.4 is going to commence.

Learned counsel appearing for the respondent-Food Corporation of India undertakes that though they have filed return and have opposed the stand taken by the petitioner but would consider and decide the matter with an open mind taking all the issues raised by the petitioner by passing a reasoned order.

With the aforesaid observations, the petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

10.08.2020
ravinder

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