

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

CWP-11466-2020

Date of Decision: 24th August, 2020

M/S SHRI RAM TRANSPORT COMPANY

Petitioner

Versus

FOOD CORPORATION OF INDIA AND OTHERS

Respondents

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

Present: Mr. Akshay Jindal, Advocate for the Petitioner.

Mr. K.K.Gupta, Advocate for the Respondents.

Dr. S. Muralidhar, J.

1. The Court has perused the reply filed by the Food Corporation of India (for short FCI) in response to notice issued to it.

2. The Petitioner is aggrieved by the rejection, on technical grounds, of its bid by the FCI, *inter alia*, on the ground that in the Special Power of Attorney (SPA) dated 07.02.2020 filed by the Petitioner along with its bid, there is no

specific power delegated to file the tender and further the documents have not been signed by all the partners of the Petitioner firm.

3. The Court has perused the SPA dated 07.02.2020 submitted by the Petitioner along with bid documents. Although the learned counsel for the Petitioner submits that the line with reads “our attorney is authorised to negotiate with State as well as Central agencies for handling and transporting of foodgrains etc.” is sufficient to indicate that even the power to submit a tender is included, the Court is not satisfied that the said line can be read in a manner suggested. It is seen from FCI's reply that while raising a grievance about the rejection of its bid, the Petitioner for the first time submitted to an Addenda dated 24th July, 2020 to to the SPA trying to cover up the aforementioned requirement.

3. Learned counsel for the Petitioner submits that there have been other instances where an identical SPA has been accepted by the FCI. This submission does not help the Petitioner as far as the present case is concerned. The fact remains that the SPA enclosed with the bid of the Petitioner in the present case did not contain a specific authorisation for filing the tender. The Court is satisfied that the ground of rejection of the Petitioner's bid was valid and does not called for interference.

4. The petitioner is dismissed. The interim order stands vacated.

[S. MURALIDHAR]
JUDGE

[AVNEESH JHINGAN]
JUDGE

24th August, 2020
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No