

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207-CWP-12002-2020 (O&M)

Date of Decision: 17.12.2020

Harvinder Singh

... Petitioner

VS.

FCI and another

... Respondents

**CORAM: HON'BLE MR.JUSTICE S.N. SATYANARAYANA
HON'BLE MR.JUSTICE GIRISH AGNIHOTRI**

Present: Mr. Abhinav Gupta, Advocate
For the petitioner.

Mr. Sunish Bindlish, Advocate
For the respondents.

GIRISH AGNIHOTRI, J. (Oral)

The present petition has been filed by the petitioner *inter alia* seeking quashing of the order dated 04.08.2020 (Annexure P-6), whereby, tender enquiry dated 19.02.2020 for handling and Transportation Contract (HTC) for Tapa centre was scrapped.

When this matter was taken up for consideration on 10.12.2020, learned counsel for the contesting respondents submitted that the present writ petition has become infructuous. However, counsel for the petitioner insisted that the matter still survives and it is open for consideration by this Court. It is in this background, we directed learned counsel for the respondents to file a memo to the effect that the petition has become infructuous. In response to the order dated 10.12.2020, learned counsel for the respondents filed an additional affidavit of Shri Gurtez Singh S/o Shri Jaswant Singh, Assistant General Manager (Contract), Food Corporation of India, Regional Office. On going through the same, it is

observed in sub-para 5 and para 6 of the additional affidavit, which reads as under:-

“In the meanwhile, as the earlier Tender Enquiry dated 19.02.2020 had been scrapped on 04.08.2020 and no interim order was passed by this Hon’ble Court despite a specific prayer by the petitioner in that regard, the respondents proceeded to invite fresh tenders in respect of the work to be allotted under the earlier tender vide advertisement dated 15.08.2020. As per the said advertisement the last date for online submission of the tender form was fixed as 07.09.2020 and the date for opening of the tender bid was stipulated to be 08.09.2020. The said fact was brought on record of the present case along with the written statement filed on behalf of the respondents on 04.09.2020 with a copy in advance to the counsel for the petitioner.

6. That it may be noteworthy to mention here that the petitioner also applied for the said regular tender on 07.09.2020 and his technical bid was rejected on 03.11.2020. it remains a matter of record that the petitioner has neither raised any grievance qua the said order dated 03.11.2020 nor has assailed it before this Hon’ble Court by way of filing any fresh Civil Writ Petition. The petitioner would accordingly be estopped from raising any contrary plea at this stage.”

On going through the same, it is seen that the present writ petition is filed seeking quashing of order dated 04.08.2020 (Annexure P-6), where tender enquiry dated 19.02.2020 was scrapped and the petitioner was disqualified on technical grounds. It is this order, which is subject matter of challenge in this writ petition. The affidavit would indicate the entire tender proceedings in which the aforesaid order is passed, is scrapped and subsequently, a new tender is floated vide advertisement dated

15.08.2020, in which the petitioner has also participated and in the second tender proceedings, the bid of M/s Baba Ji Logistics, who is not a party to these proceedings, is accepted and the tender has been awarded and tender allotment letter dated 01.10.2020 is communicated to him.

In the aforesaid circumstances, we notice that the present writ petition has become infructuous as submitted by learned counsel for the respondents.

With these observations, the petition is dismissed as having become infructuous.

(S.N. SATYANARAYANA)
JUDGE

(GIRISH AGNIHOTRI)
JUDGE

December 17, 2020

Vvishal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No