

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision:- 16.09.2020

1. CWP No. 13894 of 2020 (O&M)

M/s Jind Transport Company		Petitioner
Versus		
Food Corporation of India and others	...	Respondents

2. CWP No. 13896 of 2020 (O&M)

M/s Jind Transport Company		Petitioner
Versus		
Food Corporation of India and others	...	Respondents

3. CWP No. 13898 of 2020 (O&M)

M/s Jind Transport 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. Alok Mittal, Advocate, for the petitioner.
 Mr. Sumit Goel, Advocate with
 Ms. Manju Goel, Advocate, for respondent-FCI.
 Mr. Gaurav Chopra, Advocate, and
 Mr. Anurag Chopra, Advocate, for respondent No.3.

* * * *

RAVI SHANKER JHA, C.J. (ORAL)

With the consent of learned counsel for both the parties, all the matters are being taken up and heard via video conferencing.

The petitioner has filed these petitions against the rejection of its technical bid vide order dated 18.05.2020 by the respondent-Food Corporation of India on account of the fact that the petitioner company is not registered with the Employees Provident Funds Authorities and is, therefore, technically disqualified for allotment of handling and transport contract for Pillukhera and Jullana.

Learned counsel appearing for the petitioner submits that the petitioner has applied for the allotment of handling and transport contract pursuant to the tender notice issued by the respondents. It is submitted that the petitioner had less than 20 employees in his establishment and therefore, was not required to be registered with the EPF authorities. It is submitted that the petitioner applied for inexperience certificate and had also furnished

an additional bank guarantee of 10% in accordance with the provisions of

the tender notice but the respondent-authorities have rejected his technical bid on the ground that the petitioner had not got himself registered under the Employees Provident Funds and Miscellaneous Provisions Act, 1952.

Learned counsel for the petitioner submits that as the number of employees in the petitioner's establishment was less than 20, therefore, the question of petitioner's getting the employees registered with the Employees Provident Fund did not arise and in such circumstances the technical disqualification of the petitioner on the ground that he is not registered with the EPF authorities is totally misconceived more so as the petitioner has applied as a new inexperienced contractor.

We have heard learned counsel for the parties at length and perused the terms and conditions of the tender notice as well as the clauses under which the petitioner's case has been considered.

From a perusal of the terms and condition No. 3 mentioned in the tender notice, it is apparent that a person who applies for award of a contract as a person having insufficient experience by furnishing an additional bank guarantee of 10% has to submit the documents that have been mentioned in the said clause. Admittedly, the petitioner has not done so. At the time of consideration of the technical bid, the authorities have taken this aspect into consideration as well as clause IX(C) of the MTF which clearly stipulates that the tenderer should be registered with the EPF authorities as an independent employer having separate code number under the Act of 1952 failing which his tender would be rejected.

In the instant case, it is undisputed fact that the petitioner is not registered with the EPF authorities and therefore, does not fulfill the criteria as prescribed in clause 3 of the terms and conditions mentioned in the tender notice as well as clause IX(C) of the MTF.

In the circumstances, we do not find any merit in all the petitions or any illegality in the impugned order passed by the respondents-authorities rejecting the petitioner's bid. Accordingly, all the petitions being meritless stand dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

16.09.2020
ravinder

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