

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

108

(PROCEEDINGS THROUGH V.C.)

CWP-18036-2020

DATE OF DECISION: OCTOBER 30, 2020

Tyagi and brothers

.....Petitioner

VERSUS

Food Corporation of India, New Delhi and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vikas Bahl, Sr.Advocate with
Mr. Nikhil Sabharwal &
Ms. Palak Jain, Advocates,
for the petitioner.

Mr. K. K. Gupta, Advocate,
for FCI.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this court impugning order dated 01.10.2020 (Annexure P-6) passed by the authority, rejecting the technical bid of the petitioner.

Learned counsel for Food Corporation of India has referred to Clause 18 of the Model Tender Form (MTF) to contend that the petitioner has an alternative remedy of filing a representation before the General Manager (Regional), Food Corporation of India, Panchkula-respondent No.2. He has also relied upon an order dated 18.08.2020 passed by Coordinate Bench in Civil Writ Petition No.12089 of 2020 (Sandeep Rana Vs. Food Corporation of India and others), where also the matter has been

remitted to the said authority for treating the writ petition as a representation and deciding the same.

Keeping in view the above, learned senior counsel for the petitioner prays that the present writ petition be treated as a representation on behalf of the petitioner and a decision be taken by the competent authority i.e. the General Manager (Regional), Food Corporation of India, Panchkula-respondent No.2 within a short period of time as the person who has been assigned the tender has to commence work from 05.11.2020. In this regard, reference has been made by learned senior counsel for the petitioner to the award of tender dated 16.10.2020 (Annexure P-7).

In the light of the above, the present petition is disposed of with a direction to the General Manager (Regional), Food Corporation of India, Panchkula-respondent No.2 to consider the present writ petition as a representation and take a decision on the pleas and grounds taken therein on or before 05.11.2020 by passing a speaking order, dealing with the said pleas and grounds.

(AUGUSTINE GEORGE MASIH)
JUDGE

October 30, 2020
khurmi

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No