

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
107

CWP No. 18328 of 2020

Date of Decision: 3rd November, 2020

Jimmi Kumar Contractor

....Petitioner

VERSUS

State of Haryana and others

....Respondents

CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN

Present: Mr. Tribhuwan Singla, Advocate for the Petitioner.

Dr. S. Muralidhar, J.

1. The Petitioner is aggrieved by the rejection of its technical bid by the Respondents for the reasons communicated in the letter dated 9th October, 2020, which reads as under:-

“During evaluation of technical bids by the committee on 09.10.2020, it has found that the affidavit uploaded by your agency as per approved DNIT page no. 115 not found in proper order i.e. affidavit has prepared by your agency on 09.09.2020 whereas tender of this work has called vide this office memo no. 6372-6422 dated 15.09.2020 to be opened on 01.10.2020.

Hence, the committee has declared your agency as non responsive due to above reason.

So the clarification/reply in this regard may be sent to this office within 07 days from the date of issue of this letter.”

2. Mr. Tribhuwan Singla, learned Counsel for the Petitioner, states that the above mistake occurred due to oversight. He submits that once the Petitioner realized the above mistake, he filed a fresh affidavit dated 13th October, 2020 subsequently, which was identical to the earlier affidavit sworn on 9th September, 2020.

3. The Court is unable to accept the above submission. The fact remains that the affidavit submitted by the Petitioner with the tender documents was

dated even prior to the date on which the tender itself was floated. In other words, the affidavit was dated 9th September, 2020, whereas the tender was floated on 15th September, 2020. On the date that the technical bid was opened, the above defect was evident.

4. In these circumstances, the rejection of the Petitioner's technical bid on the aforementioned ground cannot be faulted. The Court finds no merit in this petition. It is dismissed as such.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

3rd November, 2020
Sachin M.

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