

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

**CWP No.542 of 2020
Date of Decision :10.01.2020**

Eswara Kamadhenu Restaurant Pvt. Ltd.

.....Petitioner

Versus

National Institute of Design and another

..... Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Rajiv Sidhu, Advocate for the petitioner.

Mr. Arun Gosain, Senior Panel Counsel for UOI.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

This petition has been filed by the petitioner praying for a direction to the respondent authorities to permit the petitioner to participate in the tender proceedings initiated by them vide tender notice bearing No.1/2019-20.

It is submitted that the petitioner had applied pursuant to the said tender notice but the authorities took objections regarding the fact that the ESI/EPF number given to the petitioner firm was of the older firm whereas the petitioner firm has been subsequently reformed. It is submitted that the petitioner submitted a clarification in this regard but without considering the same, the authorities again rejected the tender form/application of the petitioner vide impugned order 31.07.2019 (Annexure P-5).

Learned counsel for the petitioner submits that the clarification

submitted by the petitioner clearly indicates that the ESI/EPF certificate issued in the year 2011 to M/s Eswara Kamadhenu Restaurant, New Delhi which has later been converted to M/s Eswara Kamadhenu Restaurant Pvt. Ltd. w.e.f. 05.04.2017, has been continued by the authorities in spite of re-constitution of the petitioner firm and, therefore, rejection of the petitioner's tender by the authorities is a result of non-application of mind to the facts of the case.

From a perusal of the record, it appears that the petitioner's bid was rejected on 31.07.2019. During the course of arguments, learned counsel for the petitioner submits that the authorities have thereafter allotted the tender to some other person who has not accepted the same and, therefore, now the authorities should be directed to accept the petitioner's bid by treating the petitioner as L-2, by accepting his form, and thereafter allot the work to him.

We have heard learned counsel for the petitioner at length.

We are of the considered opinion that the aforesaid relief prayed for by the petitioner cannot be considered or allowed at this belated stage after the tender proceedings had been finalized and the same had been allotted to some other person, even though that person has not accepted or taken up the work allotted to him, as also in view of the fact that the tender of the petitioner was rejected as far back as on 31.07.2019 and the said tender proceedings having been finalized, cannot be re-opened now after all the subsequent events that have occurred. The learned counsel for the respondents, at this stage, states that the tender proceedings under challenge have lapsed and the authorities propose to initiate fresh tender proceedings.

The petition filed by the petitioner being meritless is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

10.01.2020
Manoj Bhutani

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