

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 4103 of 2021 (O&M)

Date of decision:- 22.02.2021

Kulbir Singh and company

.....Petitioner

Versus

State of Haryana and others

...Respondents

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

Present:- Mr. Chetan Mittal, Sr. Advocate with
Mr. Kunal Mulwani, Advocate and
Mr. Tanvir Singh Attariwala, Advocate, for the petitioner.

Mr. Lokesh Sinhal, Addl. Advocate General, Haryana.

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RAVI SHANKER JHA, C.J. (ORAL)

This petition has been filed by the petitioner challenging clauses 4, 5(iii) 5(iv) and 5(v) of the tender notice dated 11.02.2021 floated by respondent No.2 on the ground that the eligibility conditions prescribed in the tender notice have been inserted without application of mind and have been included only to suite certain tenderers by making them tailor-made for them. It is submitted that these clauses do not exist in the previous tenders floated by the respondents whereas they have been included now. It is also alleged that the experience of the tenderers in handling and transportation of food grains with the Food Corporation of India has also been included which has no nexus with the object. It is observed that the petitioners have filed a representation before the respondent authorities particularly Annexure P-7 which has been filed before the Managing Director, HAFED and the same has not been decided as yet.

Learned counsel appearing for the HAFED submits that the said representation of the petitioner shall be considered and the objections including all the grounds raised therein by the petitioners will be considered and decision thereon will be taken by the respondent-authorities latest by 24.02.2021 as the last date for submission of bids is 26.02.2021.

We find that the statement made by learned counsel appearing for the respondent-HAFED is reasonable as that would also give sufficient time to the petitioners in case the representation is allowed to submit their bids.

In view of the aforesaid statement made by learned counsel appearing for respondent-HAFED, the petition stands disposed of. However, it is made clear that this Court has not expressed any opinion on the merits of the case and therefore, the authorities would be at liberty to examine the matter keeping all facts and facets into consideration and thereafter accept or reject the same in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

22.02.2021
ravinder

Whetherspeaking/reasoned	Yes/No
Whetherreportable	Yes/No