

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

CWP-4300-2021 (O&M)
Date of decision:- 24.02.2021

M/s Balaji Transport Company, Hisar

...Petitioner (s)

Versus

The Haryana State Cooperative Supply and Marketing Federation
Limited, Panchkula and another

...Respondent(s)

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

Present: Mr. Aashish Chopra, Advocate,
Ms. Rupa Pathania, Advocate,
and Ms. Niharika Sharma, Advocate,
for the petitioner.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being
conducted in virtual Court)

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RAVI SHANKER JHA, C.J. (ORAL)

This petition has been filed by the petitioner challenging clauses 4 and 5 of the tender notice dated 11.02.2021 floated by respondent No. 1 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 suit 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 petitioner has not yet filed any representation before the respondent authorities in this regard.

Learned counsel appearing for the respondent-HAFED submits that in identical matters i.e. CWPs-4103, 4109, 4120, 4156 and 4202-2021, this Court vide orders dated 22.02.2021 and 23.02.2021 had disposed of the petitions requiring the respondents to consider and decide the representation(s)/objection(s) filed by the petitioners or in case no such representation was filed, the same be submitted which shall also be decided by 24.02.2021. Therefore, he submits that let the petitioner also submit a representation as regards its grievance which too shall be dealt with alongwith the other identical matters 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 petitioner in case the representation is allowed to submit its bid(s).

In view of the aforesaid statement made by learned counsel appearing for the 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

24.02.2021
Amodh

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