

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

107

Civil Writ Petition No.9852 of 2021

Date of Decision: May 18th, 2021

Sandeep Garg

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Rajinder Goyal, Advocate
for the petitioner.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a grievance that the order dated 04.05.2021 (Annexure P-11) passed by the Executive Engineer, Panchayati Raj, Zila Parishad, Kaithal-respondent No.4 accepting the technical bids of respondents No.6 to 11 and further accepting the financial bid vide acceptance dated 14.05.2021 (Annexure P-12) of respondent No.6 being the lowest bidder for contract of construction of community center with E.I. and P.H. work at Village Balbehra, Block Guhla, District Kaithal, in pursuance to the tender dated 13.04.2021 (Annexure P-4), is not in accordance with the terms and conditions of the tender. It is asserted that the technical bids of the private respondents No.6 to 11 were required to be rejected as they did not attach with their respective bids the required documents nor did they fulfill the requirement as per the tender notice. His assertion is that on 07.05.2021 (Annexure P-13), petitioner had submitted a complaint to the Chief Engineer, Panchayati Raj Public Works, Haryana-respondent No.2, which complaint has been marked to the Superintending Engineer, Panchayati Raj Public Works,

Zila Parishad Building, Circle Karnal-responndent No.3, on which till date no decision has been taken. Petitioner is apprehensive that in the light of acceptance of the commercial bids of respondent No.6, the work is likely to be awarded to the said respondent. His submission, therefore, primarily is that since private respondents No.6 to 11 were not eligible for opening their financial bids, the petitioner would be the only person, who would be eligible for the financial bids to be opened and, therefore, the complaint, which has been submitted by the petitioner, requires to be considered and decided prior to the actual allocation of work and finalization of the tender.

2. The prayer made by the counsel for the petitioner appears to be quite reasonable.

3. Notice of motion.

4. On the asking of the Court, Ms. Shubhra Singh, Additional Advocate General, Haryana, accepts notice on behalf of respondents No.1 to 5.

5. The writ petition is disposed of without commenting upon the merits of the case by directing Chief Engineer, Panchayati Raj Public Works, Haryana-respondent No.2 to consider the complaint dated 07.05.2021 (Annexure P-13) of the petitioner and pass a speaking order thereon prior to the actual allocation of work, if already not done so.

6. Decision so taken be conveyed to the petitioner forthwith.

(AUGUSTINE GEORGE MASIH)
JUDGE

May 18th, 2021
Puneet

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No