

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

CWP-16627-2021 (O&M)

Date of decision:- 26.08.2021

Mahashakti Energy Limited, Bathinda

...Petitioner(s)

Versus

Punjab State Power Corporation Limited, Patiala and another

...Respondent(s)

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

Present: Mr. Abhinav Gupta, Advocate,
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

(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 being aggrieved by the rejection of its technical bid on the ground that the petitioner does not fulfill the turnover criteria prescribed by the respondent-authorities in the tender document.

Learned counsel appearing for the petitioner submits that its turnover is more than ₹ 100 crores which is more than 100% of the value of the contract and that its turnover in respect of energy meters is also more than ₹ 10 crores. He further submits that in such circumstances, the authorities have rejected the technical bid of the petitioner on the ground that it does not fulfill the turnover criteria. He further submits that apparently, the said conclusion is contrary to the provisions of the qualification(s) criteria mentioned in the tender document. He further submits that no reason has been stated by the authorities as to how the petitioner does not meet the turnover criteria.

Having heard learned counsel for the petitioner, it is evident that this issue needs to be considered and clarified by the respondent-authorities themselves who are the author of the tender document and understand the implication of the relevant clause.

Notice of motion.

Ms. Monica Chhibber Sharma, learned Senior Deputy Advocate General, Punjab accepts notice on behalf of respondent No. 1.

In the circumstances, the petition is disposed of with a direction that in case the petitioner submits a representation before the respondent-authorities during the course of the day, they shall consider and take a decision thereon before finalizing the tender proceeding and communicate it to the petitioner as expeditiously as possible.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

26.08.2021

Amodh

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