

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision:- 29.07.2021

1. Civil Writ Petition No. 16543 of 2020

Aakash Julka	Versus	Petitioner
Food Corporation of India and others		...Respondents

2. Civil Writ Petition No. 16586 of 2020

Aakash Julka	Versus	Petitioner
Food Corporation of India and others		...Respondents

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

Present:- Mr. G.C.Garg Dhuriwala, Advocate, for the petitioners.
 Mr. K.K.Gupta, Advocate, for the respondent-FCI.
 Mr. Anurag Chopra, Advocate, for respondent no.3.

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

* * * *

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

Both these petitions have been filed by the petitioner being aggrieved by the rejection of his technical bid that he had submitted pursuant to the tender notice dated 30.06.2020 for appointment of Handling and Transport Contractor (HTC) at FCI Amritsar Local and Bharariwal. The petitioner in the instant petitions has also prayed for quashing of the order dated 30.09.2020 rejecting his appeal by the respondent-authorities which had been filed against the rejection of his technical bid.

Learned counsel for the petitioner submits that the respondent-authorities have rejected his bid on the ground that he had not filed the audited balance sheets for the years 2018-19 of the bidder i.e. of the petitioner whereas the petitioner had infact filed the balance sheet for the concerned financial year of Shri Balaji Exports which is a proprietary concern run by the petitioner. It is submitted that in such circumstances, the authorities ought to have treated the audited balance sheet for the year

2018-19 of M/s Balaji Exports to be in accordance with the conditions of the tender form instead of rejecting the same. It is, however, observed that the petitioner has neither raised nor argued these issues before the Appellate Authority.

When confronted with the same, learned counsel for the petitioner submits that he shall approach the respondent-authorities by filing another representation/appeal taking up all these issues.

Learned counsel for the respondent-Food Corporation of India per-contra submits that in case the petitioner does so, the authorities shall consider and decide the same expeditiously in accordance with law.

Learned counsel appearing for respondent No.3 submits that in case such an issue is taken up by the petitioner, respondent No.3 may also be directed to be heard as he has been awarded the contract.

In view of the aforesaid statements made by learned counsel for the parties, the petition stands disposed of granting liberty to the petitioner to approach the respondent-authority i.e. Grievance Redressal Authority which has passed the impugned order dated 30.09.2020 by filing another representation/appeal taking up whatever issues he has taken up before the said authority. In case the petitioner does so within a period of one week from today, the authority concerned thereafter shall consider and decide the same expeditiously in accordance with law within two months after giving due opportunity of hearing not just to the petitioner but also to respondent No.3.

It is made clear that this Court has not expressed any opinion on the merits of the case and therefore, the respondent-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

29.07.2021
ravinder

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