

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 19665 of 2021 (O&M)
Date of Decision: 28.09.2021

M/s Apex Builders

.....Petitioner

versus

State of Punjab and others

.....Respondents

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

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

Present : Mr. R.K.Giridhar, Advocate with
Mr. Chirag Giridhar, Advocate, for the petitioner.

Mr. Avinit Avasthi, Assistant Advocate General, Punjab.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

Learned counsel for the petitioner submits that the petitioner-firm had submitted its bid pursuant to the tender notice dated 19.02.2021 for repair and restoration of main road of G and H Block BRS Nagar, Ward No. 72 and Repair and Renovation of various parks in D Block and E Block BRS Nagar (Ward No. 72). It is submitted that the petitioner's technical as well as financial bids were opened by the respondent-authorities and the petitioner firm was declared to be L-1 bidder. It is further submitted that thereafter the respondent-authorities without issuing any allotment letter to the petitioner firm or anybody else is permitting respondent No.6, who has been listed as L-2 and whose financial bid has been rejected, to execute the work. He further submits that in such circumstances the petitioner firm has issued a legal notice dated 20.09.2021 to the respondent-authorities but no decision thereon has been taken till date.

From a perusal of the petition, it is evident that the petitioner firm has not filed any document to indicate that the tender has been allotted to respondent No.6. The status of the tender, as shown on the website, indicates that the financial bids have been opened; tenderers have been listed in accordance with the bids and no contract or work order has been allotted to anybody as on date. The petitioner has not placed any material on record to indicate that respondent No.6 is executing the work.

In the circumstances, the factual aspect that emerges from the petition is that the respondent-authorities have yet to take a final decision in the tender and issue an allotment letter for execution of the work. The legal notice filed by the petitioner is also pending before the respondent-authorities.

In such circumstances, in the absence of any such material to indicate that the respondent-authorities have actually allotted the work to anybody or that the work is being executed by some agency, we do not find any reason to entertain the petition at this stage. The petition filed by the petitioner is accordingly dismissed as pre-mature.

It is made clear that the petitioner, if so advised, may pursue its representation before the respondent-authorities.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

28.09.2021
ravinder

Whetherspeaking/reasoned	√Yes/No
Whetherreportable	Yes/No√