

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

CWP-21011-2021 (O&M)
Date of decision:- 13.10.2021

Barhmanand Contractor

...Petitioner (s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Vijay Kumar Sheoran, 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 writ petition has been filed by the petitioner for quashing the order dated 23.06.2021 (Annexure P-6) by which respondent No. 2 has approved the e-tender submitted by respondent No. 5 in his favour pursuant to the DNIT issued by the respondent-authorities for repair and maintenance of horizontal and submersible pumping machinery for 12 numbers water supply scheme for (Section No. 2) of Badhra constituency under the Public Health Engineering Division, Charkhi Dadri for nine months.

Having perused the impugned order dated 23.06.2021 (Annexure P-6), we are constrained to observe that the said document is not an order, but a communication by the Superintending Engineer, Public Health Engineering Circle, Bhiwani to the Engineer-in-Chief, Public Health, Engineer, Panchkula seeking necessary approvals. It is also observed that the petitioner while filing the present writ petition has suppressed material facts. Firstly regarding rejection of his technical bid by the authorities on 21.06.2021 as is evident from the status mentioned in a document which is available on the official website of the Government of Haryana. Neither the said document has been appended by the petitioner with the writ petition, nor any mention in this regard i.e. rejection of his technical bid has been made therein. The said document is taken on record and marked as Annexure 'X'. It is also evident from the official website of the respondent-authorities that the tender in question is at the stage of financial evaluation. Thus, the tender has not been allotted to respondent No. 5. The document indicating that the tender is at the

stage of financial evaluation is also taken on record and marked as Annexure ‘Y’.

In view of the aforesaid facts and circumstances, namely, that work has not been approved/allotted to respondent No. 5; the petitioner’s technical bid having been rejected way-back in June, 2021, and the tender process still being at the stage of financial evaluation, we are of the considered opinion that the petitioner has not approached this Court with clean hands. Thus, there is deliberate attempt on the part of the petitioner to mislead the Court and obtain favourable orders and abuse the process of law.

In the circumstances, the petition is dismissed with cost.

Accepting the submission of learned counsel for the petitioner that he has not been informed about all these facts by the petitioner, we impose cost of Rs. 50,000/- on the petitioner which shall be deposited with the High Court Legal Services Authority.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

13.10.2021
Amodh

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