

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

CM-17940-CWP-2021 in/and
CWP-7504-2021

Date of decision : 08.02.2022

R.S. Labour and Transport Contractor	Petitioner
Versus	
State of Haryana and others	Respondents

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

Present: Mr. Alok Mittal, Advocate, for the petitioner.

Mr. Deepak Balyan, Addl. Advocate General, Haryana,
for respondents No.1 to 4.

Mr. Anurag Chopra, Advocate, for respondent No.5.

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

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

For the reasons stated therein, CM-17940-CWP-2021, duly supported by an affidavit, main case is pre-poned and taken up for hearing today.

This petition has been filed by the petitioner for quashing the impugned tender summary report dated 26.03.2021 (Annexure P-6), whereby the petitioner's bid has been rejected. The ground for rejection is that the petitioner had submitted its bid on the strength of an agreement entered into by it with one Shri Rajbir Singh for supplying trucks, whereas vide letter dated 15.02.2019 (Annexure P-5) Shri Rajbir Singh had been debarred by the Food Corporation of India for five years. Since the petitioner had submitted its bid on the basis of an agreement with a person who had been black-listed, its bid has been rejected, in view of clause 1 of the terms and conditions of the tender document (Annexure P-2).

Learned Additional Advocate General, Haryana, appearing on behalf of respondents No.1 to 4, submits that after awarding of contract, 90% of the work under the contract has been executed and now

nothing remains in the matter. This fact is not disputed by learned counsel for the petitioner.

Learned counsel for the petitioner submits that in case the order passed by the authorities is still found to be erroneous, the petitioner would be entitled to claim damages. He can raise the dispute regarding damages by taking appropriate action under the common civil law.

In such circumstances and looking into the fact that bid of the petitioner has been rejected in view of clause 1 of the terms and conditions of the tender document (Annexure P-2) as the petitioner submitted its bid on the basis of agreement with a person, who has been black-listed for five years, as well as the fact that 90% of the work under the contract has already been executed, we dispose of this petition granting liberty to the petitioner to take up proceedings for claiming damages, if so advised, in accordance with the procedure and provisions under the common civil law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

February 08, 2022
ndj

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