

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

CWP-8054-2022

Date of decision : 21.04.2022

Zora Singh & Company and another

.....Petitioners

Versus

The Haryana State Cooperative Supply and Marketing Federation
Limited and others

....Respondents

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

Present: Ms. Rupa Pathania, Advocate,
for the petitioners.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This petition has been filed by the petitioners being aggrieved by awarding of the work of handling of labour operation etc. at PEG Godown, Uchana, District Jind, to respondent No.3.

Learned counsel for the petitioners submits that initially, the respondent – authorities had issued a tender notice on 18.03.2022, in which the petitioner had quoted 217% above Schedule of Rates (SOR). However, the tender was cancelled by the authorities as they sought to further negotiate the rates with the petitioner, for which it did not agree. It is submitted that subsequently, the respondents again issued short term E-tender notice on 05.04.2022, which was also cancelled. Ultimately, third short term E-tender notice was issued by the authorities on 08.04.2022, in which the petitioner participated and offered rates at 244% above SOR, whereas respondent No.3 offered 233% above SOR, which on negotiations was further reduced by respondent No.3 to 230%. It is alleged that the respondent – authorities have awarded the work to respondent No.3 being L1, but without taking note of the fact that in the first tender proceedings dated 18.03.2022, the rate offered by the

petitioner was 217% above SOR, which was much less than the rate at which the contract has now been awarded to respondent No.3.

Learned counsel for the petitioners submits that in such circumstances, the act of the respondent – authorities in awarding the contract to respondent No.3 at the rate of 230% above SOR, which is more than the initial bid of the petitioner, is arbitrary and deserves to be quashed.

We have heard learned counsel for the petitioners.

From the facts, as stated before this Court as well as in this petition, it is evident that the first and second tender proceedings initiated by the respondent – authorities by issuing tender notices dated 18.03.2022 and 05.04.2022 were cancelled. Admittedly, the petitioner never questioned or assailed the cancellation of the tender process by the authorities. It is not disputed either that the petitioner, who participated in the first tender proceedings, had quoted the rates at 217% above SOR. However, the petitioner also participated in the third short term tender and quoted the rates at 244% above SOR, and therefore, has not stuck to its earlier bid. Concededly, respondent No.3, who has been awarded the contract, has offered a rate (230% above SOR) that is below the rate offered by the petitioner. In such circumstances, we do not find any fault with the decision of the authorities in awarding the contract to respondent No.3 nor do we find any arbitrariness or illegality in the proceedings initiated by the respondent – authorities.

The petition being meritless is, accordingly, dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

April 21, 2022
ndj

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