

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

CWP-22028-2021

Date of decision : 06.07.2022

Sandeep Garg

.....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. Sumeet Mahajan, Senior Advocate, with
Mr. Vishal Sharma Haritwal, Advocate,
for the petitioner.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This petition has been filed by the petitioner being aggrieved by the order dated 24.08.2021 (P-12), vide which the respondent - authorities have rejected his representation against the awarding of contract to respondent No.6 – M/s Shree Ram Builders.

It is submitted by learned senior counsel for the petitioner that the petitioner had previously approached this Court by filing CWP No. 9852 of 2021 against the awarding of contract to respondent No.6 for construction of Community Center at village Ladana Chakku, Block Siwan, District Kaithal, in spite of the fact that it did not fulfill the necessary qualification criteria of having completed and done the work of a particular amount in previous seven years. It is submitted that vide order dated 18.05.2021 (P-11), this Court had disposed of the aforesaid writ petition filed by the petitioner, directing the respondent – authorities

to consider and decide his representation. It is further submitted that though the authorities had passed an order dated 24.08.2021 (R-1) in accordance with the decision of this Court in CWP No. 9852 of 2021, but the objection of the petitioner regarding technical viability of respondent No.6 has not been considered or addressed and representation of the petitioner has been rejected by simply stating that the agency in question fulfills all the conditions and the tenders of this agency were opened as per rules.

Learned senior counsel for the petitioner, by taking this Court through the certificates filed by respondent No.6 in support of the works done by it, submits that a perusal of the same clearly indicates that it does not fulfill the criteria as prescribed under clause 4.4 A of the NIT.

Learned Additional Advocate General, Haryana, submits that the authorities while rejecting the presentation of the petitioner have simply stated that respondent No.6 fulfills all the conditions, however the detailed discussion in that regard has not been made or reasons for holding respondent No.6 to be technically viable have not been stated.

This Court had issued notice to respondent No.6 and, thereafter vide order dated 08.03.2022, also requested learned Additional Advocate General, Haryana, to serve respondent No.6 through the Government agency.

Learned Additional Advocate General, Haryana, submits that the aforesaid direction has been complied with and respondent No.6 has been served. However, nobody has entered appearance on its behalf.

In these circumstances, it is evident that the authorities are required to apply their mind to the issue raised by the petitioner and take a decision thereon by considering all the documents by passing a

reasoned order. Learned Additional Advocate General, Haryana, submits that the authorities concerned shall do so within a period of ten days.

In view of the aforesaid statement made by learned Additional Advocate General, Haryana, and taking the same on record, the petition is disposed of. The respondent – authorities, as undertaken before this Court, would consider the issue raised by the petitioner regarding technical viability of respondent No.6 and pass a reasoned detailed order within a period of ten days and communicate the same to the petitioner.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

July 06, 2022
ndj

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