

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No. 26580 of 2019 (O&M)

Date of decision:- 02.09.2022

The Bhatinda Railway Transshipment Co-Op L & C Society Ltd. Bathinda

.....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.**

Present:- Mr. P.S.Rana, Advocate, for the petitioner.

Mr. Avinit Avasthi, Assistant Advocate General, Punjab,
for the respondents.

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RAVI SHANKER JHA, CHIEF JUSTICE (oral)

Civil Miscellaneous Application No. 17893 of 2019 filed by the
petitioner for placing on record NIT (Annexure P-7) is allowed.

This petition has been filed by the petitioner seeking refund of
Rs. One lac with interest which was deposited by the petitioner as bid
security pursuant to the tender notice dated 09.01.2019 issued by the
respondent-authorities.

Learned counsel for the petitioner by relying upon Clause 16.5
of the Notice Inviting Tender (NIT), which has been annexed as Annexure
P-7 alongwith CM No. 17893-2019, submits that the petitioner could have
withdrawn its bid in time before opening of the bid. He submits that the
petitioner had infact withdrawn its bid prior to the opening of the bid and
because of its withdrawal, the authorities vide Annexure P-3 rejected the
petitioner's bid while technically evaluating all the tenders. He submits that
in such circumstances, the petitioner is entitled to refund of the security
amount alongwith interest.

Per-contra, learned Assistant Advocate General appearing for the respondent-State of Punjab submits that the petitioner had filed its application seeking withdrawal of the security amount on the date when the bid was opened. He, however, does not dispute the fact that clause 16.5 of the NIT does not talk about the day on which the bid is withdrawn but it talks about withdrawal of the bid after opening of the bid.

On perusal of NIT (Annexure P-3), learned Assistant Advocate General, Punjab submits that at the time of bid evaluation, the respondent-authorities found that the petitioner had already withdrawn its bid and in such circumstances, he prays for grant of an opportunity to the respondent-authorities to revisit the order/decision rejecting the petitioner’s prayer for refund of the security amount and take a fresh decision in the matter expeditiously in terms of the contract within a period of three weeks.

In view of the statement made by learned Assistant Advocate General, Punjab, the petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

02.09.2022
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No