

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

CWP-8739-2023

Date of decision : 27.04.2023

Linde India Limited

.....Petitioner

Versus

Post Graduate Institute of Medical Education and Research, Chandigarh
and others

....Respondents

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

Present: Mr. Akshay Bhan, Senior Advocate, with
Mr. Vivek Sethi, Advocate,
for the petitioner.

Mr. Himmat Singh Sidhu, Advocate,
for respondents No.1 to 4.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

Learned Senior counsel for the petitioner submits that though this petition has been filed by the petitioner Company being aggrieved by the fact that vide communication dated 21.04.2023 (P-12), respondent No.5 has been declared L1 in the tender proceedings initiated by the respondent – authorities for supply of Liquid Medical Oxygen (LMO), however, during the pendency of the petition, the petitioner has come to know and has obtained documents to indicate that respondent No.5 Company came into existence on 23.01.2021 and has got license to manufacture Liquid Medical Oxygen on 25.08.2022 and is, therefore, even otherwise technically disqualified and ineligible to participate in the proceedings. He further submits that though the petitioner has filed representations dated 10.03.2023 (P-8), 15.03.2023 (P-9) and 13.04.2023

(P-10) before the authorities against the enlistment of respondent No.5 as L1, however, the aforesaid aspects have not been taken up by the petitioner Company before the authorities, as the documents have been obtained by it subsequently. Learned Senior counsel for the petitioner submits that in such circumstances, the petitioner would be approaching the authorities alongwith those documents and he prays that the authorities be directed to take a decision on the representations of the petitioner, by considering the aforesaid aspects alongwith other averments made by the petitioner.

Learned counsel for respondents No1 to 4 – PGMIER submits that in case the petitioner does so within a period of one week, the authorities shall consider and take a decision on the representations of the petitioner in accordance with law, as far as possible within a period of one week thereafter.

It is made clear that we have not expressed any opinion on the merits of the case and, therefore, the authorities would be at liberty to examine the matter keeping all the facts and facets into consideration and take a decision in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

April 27, 2023
ndj

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