

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

**CWP-17254-2023 (O&M)**

**Date of decision: 09.08.2023**

M/s Hitech Industries Ltd.

.....Petitioner

Versus

State of Punjab and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI  
HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Ajaivir Singh, Advocate,  
for the petitioner.

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**ARUN PALLI, J.** (Oral)

          Contends that Sri Guru Nanak Dev Hospital (respondent No.2) had issued a tender enquiry dated 12.7.2023 (P-3), for supply of liquid medical oxygen gas and other medical gases. The petitioner, in response thereto, made EMD deposits and submitted its technical bid on 25.07.2023. He, however, contends that as for some technical reasons and there being no immediate requirement of compressed medical oxygen gas (cylinders), the authorities, vide corrigendum dated 26.07.2023 (P-5), altered the scope of work and deleted the said requirement from tender document. Meaning thereby, he submits that scope of work was confined only to liquid medical oxygen gas (LMO), and the tender was extended up to 05.08.2023. He asserts that although the petitioner had already submitted its technical bid, but as per its practice and to maintain privacy/confidentiality, the financial bids are usually submitted at the last stage. Further, the tender being valid up to 05.08.2023, the petitioner, on 04.08.2023, tried to log in to submit its price bid, but was surprised to experience that bid submission portal had already been closed a day prior, i.e. 04.08.2023, Therefore, he submits that a

valuable right of the petitioner to compete/participate in the tendering process has since been taken away arbitrarily.

Upon being served with the advance copy of the petition, Mr. Abhay Pal Singh, learned Deputy Advocate General, Punjab, is present in Court. He submits that, in fact, post corrigendum dated 26.07.2023, the authorities had placed the altered tender schedule in public domain, which indicates that even though the bid opening date was 05.08.2023 (12:00 PM), but the bid submission end date was 04.08.2023 (2:00 PM). But, the petitioner did not furnish its price bid within the stipulated time.

In response, learned counsel for the petitioner submits that once the corrigendum (*ibid*), in no uncertain terms, prescribed that tender date is extended up to 05.08.2023, and the petitioner being not privy to any alteration of the tender schedule, the authorities could not have closed the tender portal a day prior, i.e. 04.08.2023. He submits that the petitioner had even served the authorities with a representation dated 04.08.2023 (P-8) qua its concerns and grievances, but to no avail. Whereas, on the other hand, the authorities are on the verge of opening the price bid and conclude the tender.

As to this, learned State counsel submits that the representation of petitioner, which is pending consideration, shall be taken cognizance of forthwith by the authorities. And, appropriate orders, in accordance with law, shall be passed thereon and communicated to be petitioner today itself.

Learned counsel for the petitioner is agreeable to the course suggested by the learned State counsel.

In the wake of the above, the petition is disposed of, in terms of the statements made by learned counsel for the parties. The matter being time sensitive, this Court is sanguine that the authorities shall deal with the concerns/grievances of the petitioner within the stipulated time. Needless to assert that the competent authority shall pass a speaking order, in accordance with law, assigning reasons in support thereof.

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(ARUN PALLI)  
JUDGE

(JAGMOHAN BANSAL)  
JUDGE

August 09, 2023  
Ak Sharma

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |