

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

107+207 (2 cases)

1. CM-11083-2022 in/and
Civil Writ Petition No.27058 of 2021
Date of decision :-08.12.2023

Gaanesh Kartikey Constructions Pvt. Ltd.

.....Petitioner

Versus

State of Punjab and others

.....Respondents

2. CM-11156-2022 in/and
Civil Writ Petition No.27078 of 2021 (O & M)
Date of decision :-08.12.2023

Jagson Constructions Ltd.

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sanjeev Sharma, Sr. Advocate with
Mr. Sandeep Singh, Advocate
for the petitioner in CWP-27058-2021.

None for the petitioner in CWP-27078-2021.

Mr. Abhay Pal Singh Gill, DAG, Punjab.

Ms. Vandana Kohli, Advocate
for respondents No.2 and 3.

Mr. Sunil Chadha, Sr. Advocate with
Ms. Taanvi Dhull, Advocate and
Mr. Akshay Chadha, Advocate
for respondent No.4.

RITU BAHRI ACJ. (Oral)

CM-11083-2022 in CWP-27058-2021
CM-11156-2022 in CWP-27078-2021

Prayer in these applications is for placing on record Annexures P-36 to P-38 (in CWP-27058-2021) and Annexures P-34 to P-36 (in CWP-27078-2021).

The applications are allowed subject to all just exceptions and the aforesaid Annexures are taken on record.

Main cases

Since the issue for consideration in both the aforesaid writ petitions is same, hence, both the aforesaid writ petitions are being decided vide this common order. For the sake of convenience, the facts are being taken up from CWP-27058-2021.

Prayer in these petitions is for quashing of decision/order dated 27.12.2021 (Annexures P-26 and P-27) issued by respondent No.3, whereby the technical bid of the petitioner(s) has been rejected.

Learned senior counsel for respondent No.4 has informed that pursuant to grant of contract dated 27.12.2021 (Annexures P-26 and P-27), the respondents, as on 16.10.2023 completed the work worth rupees 22.85 crores. Out of 24.32 crores i.e. almost 95% contract work has already been completed.

As per the order dated 24th May, 2022, the prayer of the petitioner for issuing any interim direction to stall the tendering process or assignment of work to the private respondent No.4 was declined by passing a detailed order and it was observed that before allotment of the contract to respondent No.4, there were two occasions when the tendering process was scrapped and the petitioner participated in the first two attempts and no challenge was laid to the cancellation of earlier two tenders by the petitioner. The tender could have been allotted in the first instance if there were more than three bidders, which was not the case and therefore, the second tendering process had been initiated, which too was cancelled by the authorities. The third attempt was made by the authorities by issuing the impugned NIT No.49/2022 on 26.11.2021. The authorities went ahead for the third tender proceedings in accordance with the procedure prescribed by the NIT and the petitioner chose to participate in the second and third tender proceedings and in view of the above facts, their prayer for interim direction to stall the tender process was declined.

This order was passed on 24th of May, 2022 and then the matter was taken up on 8th of December, 2023. Learned counsel for respondent No.4 had informed that they had done the work amounting to rupees 22.85 crores out of the allotted work having worth rupees 24.32 crores.

Since 95% of the work has already been done, these petitions are being **disposed of** without interfering in the process of allotment of tender in favour of respondent No.4. Keeping in view

that the petitioner(s) had participated in the earlier two attempts and even in the third tender process the proceedings were carried out by the authorities as per the procedure prescribed in the NIT No.49/2022 issued on 26th of November, 2021.

(RITU BAHRI)
ACTING CHIEF JUSTICE

December 08, 2023
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No