

CWP-24367-2023

Date of decision:30.10.2023

M/s. Sainath Sales and Service Pvt. Ltd.

...Petitioner

V/s.

Chandigarh Administration and others

...Respondents

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

Present: Mr. Mohit Jaggi, Advocate
for the petitioner.

Ritu Bahri, Acting Chief Justice (Oral).

The petitioner is seeking quashing of tender bearing ID No. 2023_MCC_75657_1 dated 28.07.2023 (Annexure P-1) whereby applications were invited for manual sweeping and transportation for Manimajra and 13 UT villages with further prayer to set aside Technical Evaluation Sheet dated 19.09.2023 (Annexure P-2) whereby the petitioner has been declared ineligible to apply for Tender.

2. Learned counsel for the petitioner, while referring order dated 21.06.2023 passed by Delhi High Court in its case i.e. ***M/s. Sainath Sales and Services Pvt. Ltd. vs. Delhi Urban Shelters Improvement Board and another, W.P.(C) 8542/2023*** contends that in the present case, the tender bid of the petitioner could not have been rejected keeping in view order dated 21.06.2023 since in that petition (W.P.(C) 8542/2023), the petitioner was debarred only for a period of six months from participating in all future tenders to be invited by respondent No. 1 i.e. Delhi Urban Shelters Improvement Board.

3. At this stage, Mr. Sehajbir Singh, Advocate with Mr. Baltej Pal Singh Walia, Advocate puts in appearance and files his vakalatnama to appear on behalf of respondents No. 2 and 3. He referred to clause 6.14 of the notice inviting tender wherein it has been specifically mentioned that in the tender bid if any information is not given correctly, the tender bid can be rejected on the ground as detailed in the said clause. The petitioner did not mention in the tender bid that it (petitioner) has been debarred for a period of six months by Delhi Urban Shelters Improvement Board and on this ground, its tender bid has been cancelled.

4. The petitioner has made detailed representations dated 21.09.2023 and 22.09.2023 (Annexures P-4 and P-6) to the respondents to consider its claim for wrongly rejecting its tender bid.

5. At this stage, without commenting on the merits of this case, this petition is disposed of by giving direction to respondents No. 2 and 3 to pass a speaking order on the representations dated 21.09.2023 and 22.09.2023 (Annexures P-4 and P-6) within a period of four weeks from the date of receipt of certified copy of this order.

(RITU BAHRI)
ACTING CHIEF JUSTICE

30.10.2023
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No