



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1102-2024

Date of Decision : 08.05.2024

M/s Solidus Techno Power Private Limited

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM : **HON'BLE MR. JUSTICE ARUN PALLI**
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Ms. Anu Chatrath, Senior Advocate with
Mr. Nishant Maini, Advocates
for the petitioner.

Mr. Babneet Singh, Advocate for
Mr. Rakesh Verma, Senior Panel Counsel,
for respondent No.1-Union of India.

Mr. Sumeet Jain, Additional Standing Counsel, UT, Chandigarh
for respondents No.2 to 4.

VIKRAM AGGARWAL, J

1. The petitioner had instituted the instant writ petition challenging the action of the respondents in re-tendering the work of Design, Manufacture, Supply, Erection, Testing and Commissioning including Warranty, Operation & Maintenance for ten years for total aggregate capacity of 3000 kWp Grid-Connected Floating SPV power plant with high power evacuation on HT side at tank No.5 & 6, Water Works, Sector 39, Chandigarh.

2. Initially, vide e-tender notice dated 14.02.2023 (Annexure P-3), bids had been invited for the said work and the petitioner was confirmed as



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L-1 after completion of the process of opening of technical as also financial bids.

3. In pursuance of the acceptance given by the petitioner and in pursuance of the L-1 announcement, the petitioner-firm is stated to have invested a huge amount on design/engineering/hiring of manpower. However, work orders etc. were not issued.

4. One M/s Hartek Solar Private Limited had quoted different rates in the BOQ summary and cost break up as a result of which, ultimately, a decision was taken to re-tender the work. This led to the filing of the instant writ petition.

5. On 19.01.2024, the following order was passed by the Coordinate Bench:-

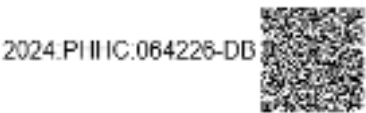
“The petitioner is seeking quashing of e-tender dated 05.01.2024 (Annexure P-11) whereby the respondents have re-tendered the work ignoring the petitioner who was L-1 bidder for the same work against the e-tender dated 14.02.2023 (Annexure P-3).

Notice of motion.

Ms. Ruchi Sekhri, Additional Standing Counsel, U.T., accepts notice on behalf of respondent No. 2 and seeks time to file short status report as to why e-tender dated 05.01.2024 (Annexure P-11) has been issued when respondent No. 3 has accepted the bid of the petitioner as per the earlier e-tender dated 14.02.2023 (Annexure P-3)?

List on 23.01.2024.”

6. Today, Minutes of the meeting of the Executive Committee of Chandigarh Renewable Energy and Science & Technology Promotion



Society (CREST) held on 01.05.2024 have been produced in Court which are taken on record as Mark-X. As per the said Minutes, the decision for re-tendering has been withdrawn and the recommendation of the Tender Committee to allocate the work to the petitioner who are the L-1 bidder has been accepted.

7. Learned counsel for the parties are, therefore, *ad idem* that in view of the decision taken, the present petition has been rendered infructuous and the same be disposed of as such. However, an apprehension has been expressed by the learned counsel for the petitioner that if some unreasonable delay occurs in awarding the work orders etc., the petitioner shall suffer losses.

Keeping in view the statements given by learned counsel for the parties and the decision taken in the meeting held on 01.05.2024, the present petition is rendered infructuous and is accordingly disposed of as such. This Court is sanguine that the respondents shall initiate the process of awarding of work orders etc. as expeditiously as possible keeping in mind that undue delay will harm both sides and shall set the process in motion for obtaining/granting requisite permissions in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

08.05.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No