

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP-1240-2024

Date of decision: 19.01.2024

The Gill Labour and Construction Co-operative Society Ltd.

..... Petitioner

Versus

State of Punjab and others

..... Respondent

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

PRESENT: Mr. Vishal Sharma, Advocate for the petitioner.

NIDHI GUPTA, J.

1. Prayer in this Civil Writ Petition filed under Article 226/227 of the Constitution of India, is for issuance of a writ in the nature of Mandamus, directing the respondents to allow only the Co-operative Labour and Construction Societies to compete in the tender as per Punjab Govt. Notification No. 76/52/79-C.1(5)/8856 dated 04.11.2019, issued in continuation of notification dated 02.10.2014, qua Tender Bid No. 84 dated 08.12.2023, for the work of Dismantling of Existing Building of Gaynee Block and Ambulance Staff Building in Govt. Rajindra Hospital, Patiala. Further, prayer has been made to direct the respondents to allot the work to the petitioner-Society, whose financial bid has been found to be L-1 as mentioned in the Tender Summary dated 16.01.2024 (Annexure P-8), as per Govt. Notification dated 04.11.2019 (Annexure P-2).

2. Learned counsel for the petitioner submits that the Detailed Notice Inviting Tender (DNIT) (Annexure P-4) for work comprising of Dismantling of Existing Building of Gaynee Block and Ambulance Staff

Building in Govt. Rajindra Hospital, Patiala, was issued by the Government of Punjab and as per the notice, the Tender Documents were to be uploaded on the Website uptill 10:00 AM on 22.12.2023 and the Technical Bid was to be downloaded on the same day i.e. 22.12.2023 at 12:30 P.M. The technical bids were also to be opened on 22.12.2023 and the financial bids were to be opened on 12.01.2024 at 3:00 P.M. The petitioner-Society submitted its online bid for the works in question. The tender bid so submitted by the petitioner was found in order. However, the tender was opened in violation of Govt. Notification dated 04.11.2019 (Annexure P-2) which provides that the tenders submitted by the Co-operative Labour and Construction Societies should be opened first on preferential basis and the competition should be among these societies only, if the amount of work is less than Rs.60.00 lakhs. In this regard, the petitioner-Society moved detailed representations dated 28.12.2023 and 29.12.2023 (Annexures P-6 and P-7, respectively) to the respondents No. 3 and 4 herein, but no action thereupon has been taken, so far.

3. Learned counsel for the petitioner-Society submits that at this stage, he would be satisfied if the present writ petition is disposed of, with a direction to the aforesaid respondents to consider and take a final decision on the representations Annexures P-6 and P-7, made by the petitioner-Society, in a time bound manner and to take appropriate action upon the same, in accordance with law.

4. Notice of motion.

5. On the asking of Court, Mr. Aayush Sharma, AAG, Punjab, accepts notice on behalf of respondents.

6. In view of the above and without expressing any opinion on the merits of this case, the writ petition is being **disposed of** with a direction to respondents concerned to consider and decide the aforesaid representations dated 28.12.2023 and 29.12.2023 (Annexures P-6 and P-7, respectively) moved by the petitioner-Society by passing a speaking order in accordance with law, within a period of 02 months from the date of receipt of certified copy of this order.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(NIDHI GUPTA)
JUDGE

19.01.2024
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Whether speaking/reasoned Yes/No

Whether Reportable Yes/No