

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No.1956 of 2024 (O&M)  
Date of Decision :05.02.2024

Ramphal Sangwan

.....Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present : Mr. Kanishk Sarup, Advocate for the petitioner.

Mr. Ankur Mittal, Addl. A.G. Haryana with  
Mr. Karan Jindal, AAG, Haryana and  
Ms. Kushaldeep Kaur, Advocate.

ARUN PALLI, J. (Oral):

The petitioner has prayed for the following substantive relief:-

“Civil Writ Petition under Article 226/227 of the  
Constitution of India for issuance of writ/order or directions  
especially in the nature of mandamus to direct the  
respondent No.2 to allow the petitioner to participate in the  
financial bid pertaining to the E-Tender in question i.e.  
*Tender ID-2023\_HRY\_329765\_1*.

Further issue a writ in the nature of certiorari  
to quash the Technical Evaluation Report/Annexure P-5  
and further bidding process relating to the E-Tender i.e.  
*Tender NIT No. “2023\_HRY\_329765\_1 dated 18.11.2023”;*  
*Tender Title - “Thurana -Const. of canal”* in question that  
had taken place in a wrongful and arbitrary manner and in  
the meanwhile, the further process of the E-Tender in  
question and all subsequent proceedings pertaining to the e-  
tender (*Tender ID-2023\_HRY\_329765\_1*) may kindly be  
stayed, being violative of Article 14 & 19 of the Constitution  
of India.”

For, the petitioner was declared to be non-responsive, his technical bid was rejected on 06.12.2023.

Learned counsel for the petitioner submits that the reasons cited by the respondents-authority to disqualify to the petitioner is: that his bid capacity was lower than required as per tender documents. However, in reference to his representation (P-7), at page 37 of the paper book, it is urged that rejection of his technical bid is apparently erroneous as the petitioner satisfied the minimum qualification criteria and possessed the requisite bid capacity for construction work.

Upon being pointedly asked, he submits that even though a considerable time has elapsed but the representation submitted by him has failed to evoke any response.

Served with the advance copy of the petition Mr. Ankur Mittal, Addl. A.G. Haryana with Mr. Karan Jindal, AAG, Haryana and Ms. Kushaldeep Kaur, Advocate is present in Court. At the outset, he submits that let the petition be disposed of, at this stage, to enable the respondent-authority to consider and deal with the grievances of the petitioner as sought to be raised in this petition as also in his representation (P7). It is not disputed that the work is yet to be assigned as the financial bids have not yet been evaluated. Accordingly, he submits that appropriate orders, in accordance with law, shall be passed on the representation submitted by the petitioner and communicated to the petitioner. So much so, it is submitted that if the petitioner wishes to supplement/support his claim, he shall be at liberty to furnish fresh documents in this regard within three days from today.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents and submits that let the

petition be disposed of in terms of the statement made by him. However, he submits that authorities be directed to do the needful within a specified time.

To this, learned counsel for the respondents submits that competent authority shall pass the necessary orders within a period of 8 weeks from today and shall communicate the decision to the petitioner.

In the wake of the position, as sketched out above, the petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the competent authority would consider the claim of the petitioner in the right earnest. And the appropriate orders shall be passed within the time indicated by learned counsel for respondents.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated above, the authority shall examine the grievance of the petitioner, strictly in accordance with law.

(ARUN PALLI)  
JUDGE

(VIKRAM AGGARWAL)  
JUDGE

05.02.2024  
Manoj Bhutani

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