

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4476-2024
Decided on : 27.02.2024

Cherry Construction Company, Bhatinda

..... Petitioner

Versus

Union of India and others

..... Respondents

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

Present : Mr. Chakitan V.S.Papta, Advocate
for the petitioner.

Mr. Paul S.Saini, Senior Panel Counsel
for respondent No.1-Union of India.

Mr. Ashish Kapoor, Advocate
for respondents No.2 and 3.

VIKRAM AGGARWAL, J

1. The petitioner herein has prayed for the following substantive relief:-

“Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of Certiorari quashing impugned result/order dated 01.02.2024 & 15.02.2024 (**Annexure P-11 & Annexure P-16**) passed by respondents No.2 & 3 whereby the technical bid of the petitioner has been illegally and arbitrarily rejected twice by the said

respondents on the ground that the petitioner company failed to submit audited balance sheets for FY 2019-20 & 2020-21 and further failed to upload complete copies of ITR. However, concerned documents already stood submitted at the stage of submission of the bid.

AND

For issuance of a writ, order or direction in the nature of Certiorari for quashing impugned financial bid result dated 16.02.2024 (**Annexure P-17**) for arbitrarily rejecting the technical bid placed by the petitioner company.”

2. At the outset, learned counsel for the petitioner submits that on 12.02.2024, the technical evaluation of the tender was revoked by the respondent-Authority on account of administrative reasons (Annexure P-13). As a result of the same, the petitioner withdrew the previous writ petition i.e. CWP No.3263 of 2024 vide order dated 14.02.2024 (Annexure P-15). However, on the very next day i.e. 15.02.2024, the respondents again issued a tender summary report (Annexure P-16) whereby the technical bid submitted by the petitioner-Company was again rejected. Learned counsel submits that the remarks while rejecting the bid that the petitioner had not responded to the query raised by the department is factually incorrect as the petitioner had duly submitted the documents at the initial stage itself (Annexure P-6). He further submits that an e-mail was still sent on 25.01.2024 (Annexure P-10) with reference to the query stating that all the documents had already been uploaded at the time of submission of the bid. Learned counsel submits that despite this, the respondents have rejected the bid of the petitioner without

taking a call on the stand taken by the petitioner which has led to wrongful rejection of his technical bid and consequential non-consideration for the financial bid.

On advance copy of the petition having been served, Sh. Paul S.Saini, Senior Panel Counsel is present on behalf of respondent No.1 and Sh. Ashish Kapoor, Advocate is present on behalf of respondents No.2 and 3. They submit that the competent authority shall take a decision on the aforesaid issue and shall pass a speaking order with regard to the claim of the petitioner that he had submitted the requisite documents alongwith the bid and that he would be technically qualified for the tender. Learned counsel further submits that before a decision is taken, the petitioner shall also be afforded an opportunity of hearing. Learned counsel submits that the entire exercise shall be undertaken within a period of four weeks from today and the decision so taken shall be duly conveyed to the petitioner.

Learned counsel representing the petitioner is agreeable to the aforesaid course suggested by learned counsel representing the respondents and submits that the petition be disposed of in terms of the said statement made by him.

The present petition is accordingly disposed of, in terms of the statements given by learned counsel for the parties.

This Court is sanguine that the authorities shall pass appropriate orders, in accordance with law, within the time indicated by learned counsel for the respondents, assigning reasons in support thereof.

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 competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

27.02.2024
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No