

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 5267 of 2024

Date of decision: 05.03.2024

M/s Tarsem Chand Singla Contractor

.... Petitioner

Vs.

State of Punjab and others

.... Respondents

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

Present: Mr. Chirag Girdhar, Advocate
for the petitioner.
Mr. Shekhar Verma, Addl. A.G. Punjab.

ARUN PALLI, J (Oral)

The Municipal Council, Sangrur (respondent No.3), had invited tenders for laying interlocking tiles (60 mm), in different streets of Officer Colony. Likewise, separate bids were invited for laying interlocking tiles (60 mm) for different streets of Shivam Colony. The time period for execution of those works, as indicated at serial No.1 and 2 of the Notice Inviting Tenders, was 12 months.

Learned counsel for the petitioner submits that Tender Evaluation Committee, vide its report dated 19.02.2024 (P-4), found the documents submitted by the petitioner in order and its claim was forwarded for opening the price bid. However, vide letter dated 23.02.2024 (P-8), the petitioner was required to remove certain deficiencies in the documents submitted by him, by 26.02.2024 (by 12.00 PM). It is urged that petitioner received the said communication on 23.2.2024 in the evening and the following two days (24.2.2024 and 25.2.2024) were holidays. However, he asserts that the petitioner having already furnished the necessary documents was neither required to submit any fresh documents nor there was any deficiency in the documents he had appended with its bid. However, the respondent authorities, on 26.02.2024, held the petitioner non-responsive and rejected its technical bid. And, the financial bid was opened the same day and the work has since been assigned to M/s Vishwas Builders (Respondent No.4). Hence the action of the respondent authorities to term

the petitioner technically non-compliant is arbitrary and erroneous. Particularly, in the wake of the fact that the Tender Evaluation Committee, upon due evaluation of the bid submitted by the petitioner, had found all the documents appended with its technical bid to be in order. Thus, in the given circumstances, he submits that rejection of the bid of the petitioner and assigning the contract to the private respondent is apparently for an oblique and extraneous consideration. So much so, there being huge difference in the price bid submitted by the petitioner and the alleged L1 (respondent No.4), the financial interest of the State is severely compromised by the authorities.

Notice of motion to respondents No.1 to 3 only, at this stage.

Served with advance copy of the petition, Mr. Shekhar Verma, Additional Advocate General, Punjab, is present in Court and accepts notice. He submits that rather than submitting a formal response, it would be expedient if the petition is disposed of, at this stage, to enable the competent authority (Municipal Council, Sangrur), which is in seisin of the legal notice dated 27.02.2024 (P-10), to examine the concerns/grievances of the petitioner. And pass necessary orders, in accordance with law. He submits that before any such order is passed, the petitioner would also be heard. Further, even though, the private respondent was issued a work order on 02.03.2024, but the work is yet to commence at site, therefore, status quo shall be maintained till the formal order, as indicated above, is passed. He submits that the matter being time sensitive, the competent authority would pass the necessary order within two weeks from today and communicate the same to the petitioner.

Learned counsel for petitioner is agreeable to the course suggested by the learned State counsel and submits that let this petition be disposed of in view of the statement made by him.

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

This Court is sanguine that the authorities shall consider/examine the matter in issue, and 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 earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

05.03.2024
deepak

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No