

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7404-2024
Date of decision: 02.04.2024

Dinesh Kumar ContractorPetitioner

Versus

The State of Punjab and othersRespondents

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

Present: Mr. Chirag Girdhar, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:-

“CIVIL WRIT PETITION UNDER ARTICLES 226/227 of the Constitution of India for the issuance of a suitable Writ, Order or Direction especially in the nature of Certiorari thereby quashing the impugned tender summary report (Annexure P/4), vide which the department Tender Committee has wrongly accepted the technical bid of respondent No.5 for the work of Stone Masonary Land Protection Structure Village Tarotwan, Crate Wire Structure, Village Bakhatpur, Stone Masonary Land Protection Structure Village Dunera, Rain Water Recharging cum Silt Detention Structure, Village Phagli Tikka Kangwan, Rain Water Harvesting Structure, Village Naloh Tika Niari, Rain Water Recharging Cum Silt Detention Structure, Village Dhar Kalan, Rain Water Recharging cum Silt Detention Structure, Village Balewa Birkuli, Rain Water Recharging Cum Silt Detention Structure, Village Dukhnayal, Rain Water Recharging cum Silt Detention Structure, Village Hardosharan, Rain Water Recharging cum Silt Detention Structure, Village Baar Sudal Tikka Karoon, Rain Water Recharging cum Silt Detention Structure, Village Baar Sudal, Rain Water Recharging Cum Silt Detention Structure Village

Phagli, Rain Water Recharging cum Silt Detention Structure Village Phagli Tikka Mawa, Rain Water Recharging cum Silt Detention Structure Village Niari, Crate Wire Structure, Village Dhar Khurd, Rain Water Harvesting Structure, village Mangnet, District Pathankot and also for quashing financial bid (Annexure P/5) opened in favour of respondent no.5, the same being illegal, arbitrary, unconstitutional and because respondent no.5 does not fulfill the requisite criteria of having executed similar civil works of Soil and Water Conservation; AND further for the issuance of a writ in the nature of Mandamus directing the official respondents to reject the technical and financial bid opened in favour of respondent no.5 and to allot the work in question to the petitioner; OR for the issuance of any other appropriate writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, be also issued in favour of the petitioner.”

Learned counsel for the petitioner submits that pursuant to technical evaluation by the competent authority, M/s Punjab Construction Company (respondent No.5), and two other bidders, including the petitioner, were held to be technically compliant. Whereafter, upon opening the price bids, respondent No.5 has since been adjudged L-1, whereas, the petitioner is declared L-2. However, he asserts, for respondent No.5 does not possess the requisite experience, in terms of clause 20 (ii) of the tender document, it was apparently ineligible and ought to have been disqualified. It is urged that in this regard, the petitioner had even served the respondent authorities with a legal notice dated 23.03.2024 (P-10), but to no avail.

Served with the advance copy of the petition, Mr. Shekhar Verma, learned Additional Advocate General, Punjab, is present in Court on behalf of respondents No.1 to 4. At the outset, he, on instructions from Mr. Dharinder Mahay, Soil Conservation Officer, submits that the matter as regards eligibility of respondent No.5 is under consideration of the competent authority, and comments, in this regard, have since been asked for, from the concerned division. Therefore, he submits that in the given circumstances, it would be expedient if the petition is disposed of, at this

stage, to enable the respondent authorities to examine the matter, as also the legal notice of the petitioner (*ibid*), and pass necessary orders, in accordance with law, as expeditiously as possible. He submits that, if necessary, the petitioner shall be heard, before any such orders are passed. However, he submits that till the formal orders, as indicated above, are passed, the work order shall not be assigned to respondent No.5.

Faced with this, learned counsel for the petitioner submits that let this petition be disposed of, in terms of the statement made by learned State counsel.

In the wake of the above and in terms of the statements made by learned counsel for the parties, the petition is disposed of.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And, as undertaken, the appropriate orders shall be passed, at the earliest.

Needless to assert that this order shall not constitute any 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

02.04.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No