

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-7870-2024

Date of decision: 08.04.2024

Tomar Construction Company

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. P.S. Rana, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

Vide a Detailed Notice Inviting Tender dated 27.02.2024 (P-1), the respondent authorities invited tenders for laying of pipeline along with Dadri Disty from RD 65000 to 88000 outfalling at RD 93990/R Loharu feeder to utilize flood water in Loharu area for Irrigation Purposes (Distt-Ch.Dadri). Accordingly, the petitioner, along with other participant bidders, submitted its bid. However, vide order dated 12.03.2024 (P-2), the petitioner was found to be technically non-responsive, for it had not appended its registration/enlistment, as also lacked similar experience, per clause 4.5 A(ii) of the tender document.

Learned counsel for the petitioner submits that rejection of the technical bid of the petitioner is apparently erroneous, for it possessed the requisite experience, in terms of the tender document. It is urged that Jaipal Singh (L-1) had submitted the bid for Rs.9,62,71,734.63/-, whereas the price bid of the petitioner was Rs.8,69,96,898.92/-. Be that as it may, he submits that the petitioner had even served the respondent authorities

with representations/email dated 20.3.2024 (P-3) and 21.3.2024 (P-4), but to no avail.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, along with Ms. Kushaldeep Kaur, Advocate, is present in Court. At the outset, he vehemently disputes the claim of the petitioner. And submits that petitioner was rightly disqualified, for it lacked the requisite experience. He submits that in terms of clause 23.7 of the tender document, petitioner had the opportunity to submit a representation/objections qua rejection of its technical bid, but it chose not to do so. It is submitted that although the petitioner did represent to the competent authority vide representations, referred to above, but those were submitted, post stipulated period, in terms of clause 23.7 (*ibid*). Further, he submits that post technical evaluation, the respondent authorities even opened the price bids on 23.03.2024. And as a result, one Jaipal Singh son of Sardara Singh has been declared L-1. Concededly, the successful bidder has not even been arrayed as a party-respondent. At any rate, he submits, for the competent authority is in seisin of the concerns/grievances of the petitioner, as sought to be raised in the petition, it would be expedient if this petition is disposed of, to enable the respondent authorities to consider and pass necessary orders on its representations (*ibid*).

Learned counsel for the petitioner is in agreement with the course suggested by learned State counsel and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to take a final decision in the matter, within a specified time.

In response, learned State counsel submits that appropriate orders shall be passed within a period of one week from today.

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

This Court is sanguine that the authorities shall look into the matter in the right earnest. And a comprehensive order, citing reasons in support thereof, shall be passed within the time indicated by learned State counsel.

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

(RITU TAGORE)
JUDGE

08.04.2024
Ak Sharma

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