

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8825-2024
Date of decision: 22.04.2024

M/s Swastik EnterprisesPetitioner

Versus

The Union of India and othersRespondents

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

Present: Mr. Lekh Raj Sharma, Advocate,
Mr. Abhisehk Sharma, Advocate,
Mr. Sharma Raj Kumar Mangalsain, Advocate,
Mr. Abhikant Vats, Advocate, and
Mr. Kabir Gautam, 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 praying for issuance of an appropriate writ, especially in the nature of Certiorari for setting aside the proceeding/order dated 01.02.2024 (Annexure P-8) which was uploaded on 15.02.2024 and the order dated 28.02.2024 (Annexure P-12) informing the petitioner that the bid has been revoked and all actions/orders which are against the interest of the petitioner’s case, further praying for setting aside of the order dated 14.03.2024 (Annexure P-18) passed by the official respondent and all actions, proceedings and order dated 14.03.2024 (Annexure P-20) vide which the petitioner’s financial bid has been rejected/declared as L-2 and the private respondent has been declared as L-1 and also communication to the petitioner whereby he has been successful awarded the bid.

AND

It is further prayed that the official respondents may kindly be directed to consider the representations-cum objections of the petitioner dated 16.02.2024, 17.02.2024 and 18.03.2024 (Annexure P-10, P-11 & P-24) wherein the petitioner has raised serious objections about the Net Worth Certificate of private respondent being false & fabricated and does not meet the eligibility criteria as prescribed under the provisions of the tender document”.

Learned counsel for the petitioner submits that the respondent-Transport Department, vide DNIT dated 02.11.2023 (P-1), invited bids for Selection of Vendors for Establishment & Operation of Six (6) Automated Testing Stations (ATS) in Punjab. And of the six clusters (Amritsar, Sangrur, Ludhiana, Faridkot, Rupnagar and Bathinda), the petitioner had submitted its bid for Bathinda. Further, he submits, for the authorities had found the petitioner technically compliant/responsive, its price bid was opened and it was adjudged L2. Whereas, M/s Bansal Sales Corporation (respondent No.4) was adjudged L-1 and was accordingly awarded the contract on 15.03.2024. However, it is urged that the limited grievance that the petitioner has is: despite objections/representations/e-mails dated 16.02.2024 (P-10), 17.02.2024 (P-11) and 18.03.2024 (P-24), the respondent authorities have been served with, showing that respondent No.4 was apparently ineligible, and thus, ought to have been disqualified, for it did not meet the requirement of clause 6.2.2 of the tender document, the matter has not made any tangible progress. Thus, interest/rights of the petitioner are severely marred.

Served with the advance copy of the petition, Mr. Jastej Singh, learned Deputy Advocate General, Punjab, is present in Court. At the outset, he submits that as the competent authority is already in seisin of the concerns/grievances of the petitioner, it would be expedient if the petition is disposed of, at this stage, to enable the respondent authorities to consider and pass necessary orders on the objections/representations/e-mails (*ibid*), in accordance with law. Further, he submits that before any

such orders are passed, the petitioner, as also other stakeholders, shall be heard. And a formal communication, in this regard, shall be issued, well in advance.

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 matter being sensitive, the authorities be directed to take a final decision, within a specified time.

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

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

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

(VIKRAM AGGARWAL)
JUDGE

22.04.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No