

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9028-2024(O&M)
Date of decision: 23.04.2024

M/s Bhullar Road Lines and another
... Petitioners
Versus
Bharat Petroleum Corporation Limited and another
... Respondents

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

Present: Mr. Vikram Singh, Advocate,
for the petitioners.
Mr. Raman Sharma, Advocate,
for the respondents.

ARUN PALLI, J. (Oral)

A certiorari is prayed for, to quash the tender notice dated 05.04.2024 (P-1), issued by Bharat Petroleum Corporation Limited (BPCL), for Road Transportation of Bulk POL Products by Top loading Tank Lorries from BPCL Bhatinda Depot, Punjab to various locations, for a period of five years. Per requirements envisaged under the tender documents, 141 Tank Lorries (TL) are required, of which 54 with storage capacity of 12 kl/14 kl, whereas 87 with 20 kl/24 kl and above.

Learned counsel for the petitioner submits that clause 8.4(a) of the DNIT postulates that age of each TL offered under Tender shall not be more than 14 years as on the date of issuance of the tender. Which, he submits, is in apparent conflict of clause 26.5 (c) of the DNIT which states that in case the number of shortlisted TLs is more than the requirement, then the TLs shall be allocated based on lower age of the TLs. Meaning thereby, he asserts that

clause 26.5 (c) is discriminatory for the maximum age has already been provided. And, this provision gives undue advantage to the well off bidders who can purchase newer trucks and oust the old model trucks. Further, he submits that prior to the institution of this petition, the petitioner had submitted comprehensive objections to the respondent authorities vide representation dated 23.11.2023 (P-5). But to no avail.

Served with the advance copy of the petition, Mr. Raman Sharma, Advocate is present in Court on behalf of the respondents.

At the outset, he submits that since the respondent-authority is already in *seisin* of the representation (**ibid**) alleged to have been submitted by the petitioners, it shall be expedient if this petition is disposed of, at this stage, to enable the competent authority to consider the concerns/grievances of the petitioners. And pass appropriate orders, in accordance with law. He submits that before any such orders are passed, the petitioners shall be heard, for which a formal communication will be issued well in advance. He further submits that the petitioners shall also be at liberty to furnish any fresh material to support/substantiate their claim, provided it is furnished within three (03) days from today.

Learned counsel for the petitioners is agreeable to the course suggested by learned counsel for the respondents. And submits, let this petition be disposed of in terms of his statement. However, he submits that as the matter is pending for a considerable time, the competent authority be directed to take a decision within a specified time.

To which, learned counsel for the respondents submits that the necessary orders, after affording an opportunity of hearing to the petitioners, shall be passed within a period of two 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 stands disposed of.

This Court is sanguine that the competent authority shall consider the matter in the right earnest, and pass the necessary orders.

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 petitioners, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

23.04.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO