



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 12251 of 2024

Date of decision: 23.05.2024

M/s Shri Shyam Warehousing through its partner
Smt. Mansi Aggarwal

.... Petitioner

Vs.

State of Haryana and others

.... Respondents

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

Present: Mr. Sunil Kumar, Advocate, for the petitioner.

ARUN PALLI, J (Oral)

Pursuant to the DNIT dated 15.03.2024 (P-2), tenders were invited by the Haryana State Cooperative Supply and Marketing Federation Limited (HAFED) for construction of godown for storage, requirement to be managed and supervised by HAFED, for a guaranteed lease of ten years on build, own and operate/lease basis, for 04.00 LMT capacity for storage of food-grains at various locations.

Learned counsel for the petitioner submits that Model Tender Form (MTF) was available on web portal from 5.00 PM on 15.03.2024. The last date to submit the tenders was 08.04.2024 up to 2.00 PM which, vide corrigendum (P-3), was subsequently extended till 19.4.2024 up to 2.00 PM. He submits that petitioner intended to submit a bid for construction and lease of godown but without any **additional services** of preservation, maintenance and security. However, he was unable to submit the bid owing to a technical glitch on the GeM Portal. It is urged that vide repeated representations dated 17.04.2024, 18.04.2024 and 19.04.2024, the petitioner brought to the notice of the concerned authorities that GeM Portal would allow submission of bids if it was for **"lease with services"**. Whereas, tender allowed two options: **"lease with services"** and **"lease without services"**. However, vide reply dated 18.04.2024 (P-7), the petitioner was conveyed to process its application/bid as per the system suggestions. It is urged that technical bids have since been opened on 19.04.2024, though the price bids are yet to be

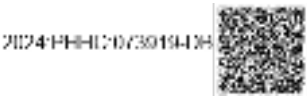


opened. Further, with reference to page 39 of the tendered documents, he asserts that the bidders had two clear options to submit their bids for i.e. **“lease with services”** and **“lease without services”**. And so is the position reflected at page 51 “price bid” (**lease with services**), page 52 “price bid” (**lease only**), and page 87 (P-3) **“lease only”** or **“lease with services”**, of the paper book. He asserts that even thereafter, the petitioner had served the respondent authorities with a detailed representation dated 24.04.2024 (P-11), but to no avail. He submits that inaction at the end of the respondent authorities is not only erroneous but apparently unfair and unjust.

Served with the advance copy of the petition, Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana, is present in Court on behalf of respondents. He, on instructions, submits that as the price bid is yet to be opened and evaluated, and the competent authority being in seisin of the concerns/grievances of the petitioner as raised in its representation dated 24.04.2024 (P-11), it would be expedient if the petition is disposed of, at this stage, to enable the competent authority to deal therewith. And pass appropriate orders, in accordance with law. He further submits that before any such orders are passed, the petitioner shall also be heard. He submits that the petitioner, through its authorized representative, may appear before the Managing Director, Haryana State Cooperative Supply and Marketing Federation Limited (HAFED), Sector 5, Panchkula (respondent No.3) on 27.05.2024 at 11.00 AM. Further, the petitioner shall also be at liberty to furnish any fresh material/evidence to support/supplement its claim, which shall be taken cognizance of, by the competent authority and appropriate orders shall be passed as expeditiously as possible. He asserts that till the necessary orders are passed on the representation (*ibid*), the tender process will not be finalized.

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

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



This Court is sanguine that the authorities shall look into the matter in the right earnest. And, as undertaken by the learned State counsel, the appropriate orders, assigning reasons in support thereof, shall be passed as expeditiously as possible.

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

23.05.2024
deepak

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