

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.14343 of 2024 (O&M)
Date of Decision :17.07.2024

A.T. Constructions

.....Petitioner

Versus

State of Haryana and others

..... Respondents

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

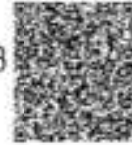
Present : Mr. Manu K. Bhandari, Advocate with
Mr. Manu Gaur, Advocate and
Mr. Rohit Kataria, Advocate for the petitioner.

Mr. Ankur Mittal, Addl. A.G. Haryana with
Ms. Kushaldeep Kaur, Advocate
for respondents No.1 to 4.

ARUN PALLI, J. (Oral):

Vide e-tender notice dated 31.01.2024, Irrigation and Water Resources Department invited bids for construction of Road from Gadhouli to Saidhupur, including Bridge on Markanda River in Ambala District.

Learned counsel for the petitioner submits that in all, there were 6 participants including the petitioner as also respondent No.5, who submitted their respective bids. It is submitted that upon technical evaluation, 4 of the 6, participants, including petitioner and respondent No.5, were found to be technically compliant/responsive. Further, he submits that Vijay Kumar, who was declared ineligible, represented to the respondents-authority, upon which, the matter was re-examined. However, vide order dated 04.03.2024 (P2), the authority reiterated its decision and his representation was accordingly



rejected. It is not disputed that the price bid has since been opened and evaluated and respondent No.5 has been adjudged L-I. He submits that apparently Narinder Singh (respondent No.5) does not meet the requirement of clause 4.5 (qualification criteria), and thus, the decision of the authority to declare him responsive was apparently erroneous. It is submitted that prior to the institution of this petition, the petitioner had even served the respondents-authority with a representation dated 15.03.2024 (P5), demonstrating, as to how, respondent No.5 lacks the requisite experience, in terms of the tender conditions. Not just that, with reference to the order dated 04.03.2024 (P2), referred to above, he asserts that since Vijay Kumar also lacked the similar experience, he was declared non-compliant and vide a detailed order dated 04.03.2024 (P2), his representation was rejected. That being so, he submits that in the given circumstances, there was no occasion for the respondents-authority, to still hold Narinder Singh to be responsive.

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate, is present in Court for respondents No.1 to 4. On instructions, he submits that pursuant to the representations/notices that have been submitted by the petitioner, the matter is under active consideration of the competent authority and a decision in this regard is likely to be reached in the immediate future. Therefore, he submits that it would be expedient, if the petition is disposed of, at this stage, to enable the respondents-authority to pass appropriate orders, in accordance with law, dealing with the concerns/grievances of the petitioner as sought to be raised in the petition. Further, he submits that before any such orders are passed, the petitioner shall be heard. And a formal communication in this regard would also be issued to



it.

That being so, learned counsel for the petitioner submits that let the petition be disposed of in terms of the statement made by learned counsel for respondents No.1 to 4. However, he submits that as the tendering process is at an advance stage, there is every possibility that a formal contract would be assigned to respondent No.5. And once that is so, the rights/interest of the petitioner would be severely impaired.

To this, learned counsel for respondents No.1 to 4 submits that before any decision is arrived at on the representation submitted by the petitioner, the tender proceedings would not be finalized.

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

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 above, the authority shall examine the grievance of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

17.07.2024
Manoj Bhutani

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