



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 14628 of 2024 (O&M)
Date of decision: 25.11.2024

M/s Param Infra Pvt. Ltd.

.... Petitioner

Vs.

Union of India and others

.... Respondents

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

Present: Mr. Naresh Markanda, Senior Advocate with
Mr. Rohan Markanda, Advocate
for the petitioner.

Mr. Ishauk Bansal, Advocate for
Mr. Vibhor Bansal, Advocate
for the respondents No.1 to 4.

Mr. Vivek Singla, Advocate
for respondent No.5.

ARUN PALLI, J (Oral)

On October 10, 2024, this Court had passed the following order:

“Vide a Notice Inviting Tender dated 09.03.2024 (P-1), bids were invited by the Central Public Works Department (respondent No.2), for construction of additional buildings in permanent campus of Indian Institute of Management (IIM), Amritsar, Punjab (Phase-1A). It is not disputed that the petitioner, along with two other bidders, was found technically compliant/responsive. And, upon opening the price bids, for the petitioner had submitted a bid of Rs.72,99,91,187.83/- (4.17% below the Estimated Cost Put to Tender), it was declared L1. However, pursuant to the decision of the Regional Works Board, dated 17.05.2024, the tendering process was scrapped. Whereafter, fresh tenders were invited. And, since none of the participants was found responsive/compliant, even the said process was dropped. As a result, vide third NIT dated 27.07.2024 (P-21), bids were



again invited, and even this time, only one bidder (M/s Consort Builders Pvt. Ltd.), who happened to be L3 in the first tendering process, participated. Indisputably, the financial bid submitted by the said tenderer (M/s Consort Builders Pvt. Ltd.) was Rs.75,92,42,634.78/- (0.33% below the ECPT). Meaning thereby, its bid was higher by Rs.2,92,51,446.90/-, than the bid submitted by the petitioner (Rs. 72,99,91,187.83/-).

Learned counsel for the respondent-Union of India submits that pursuant to the negotiations, that were held with the lone participant, it reduced the price to Rs.72,96,32,172/-. But, as the bid validity period expired, even the third tendering process has been scrapped, and the authorities would now invite fresh tenders, for the fourth time.

Despite opportunity, respondent No.5 has not chose to submit its response. Rather, learned counsel for the said respondent submits that it was even willing to go ahead with the first tendering process, considering that the project in question is time sensitive. Further, he, on instructions, submits that as a considerable time has already elapsed, respondent No.5 is actually contemplating to cancel its arrangement with respondents No.2 to 4, so that it could carry out the necessary formalities, to execute the works, at the earliest. However, he prays for a short accommodation to seek instructions as also to furnish a specific affidavit, in this regard.

May do so, a day prior to the adjourned date, with an advance copy to the counsel for the petitioner.

Adjourned to 12.11.2024.

To be taken up immediately after the urgents.”

Accordingly, in compliance to the order, referred to above, the necessary affidavit by the Deputy General Manager (Project Construction),

Indian Institute of Management, Amritsar, has since been filed. For the



averments set out in para nos.4, 5 and 8, in context with the matter in issue assume significance, the same are extracted hitherto below:

“4. That on 29.10.2024 the CPWD made a submission before this Hon’ble Court that they would now invite fresh tenders for the 4th time in view of the withdrawal of the bid by M/s Consort Builders. It is submitted that the tenders were invited for construction of Hostel building for respondent No.5, the project in question is time sensitive yet the CPWD have not been able to award the work order to any successful L-1 neither in the first round of tendering and nor in the third round of tendering. Rather, because of the approach of the CPWD the Institute would be spending around Rs.60 lacs a month on rental because of non construction of hostel building for the academic year 2025-26.

5. That because of the act and conduct of the CPWD the respondent Institute is contemplating to cancel the Memorandum of Understanding with CPWD and would explore other possibilities through other organizations.

6. xx xx xx

7. xx xx xx

8. That as submitted above the project is time sensitive and delay in awarding the work order at the hands of CPWD would be causing financial loss to the Institute from 2025-26, even when L-1 from the first round of tendering is fully eligible for being awarded the work. It is humbly submitted that keeping in view the interest of the Institute, its students and the financials involved, the present petition may kindly be allowed.

In the wake of the position sketched out above, learned counsel for respondents No.1 to 4 and 5, submit that since, for the present, no tendering process is in progress, and the competent authority(s), in the given circumstances, is required to re-examine the matter in issue to chalk out the further course of action, it would be expedient if the petition is disposed of,



to enable the respondents to take a conscious decision exploring the possible options that they have, as regards the subject works. Further, it is fairly urged that before any formal decision, as regards the execution of work, is reached, the petitioner as also the other stake holders shall be heard.

That being so, learned Senior counsel for the petitioner submits that, for the present, nothing substantive survives in the petition and the same be disposed of, in terms of the statements made by learned counsel for the respondents.

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 authority shall consider/examine the matter in the right earnest, and the same being time sensitive, appropriate orders shall be passed, assigning reasons in support thereof, at the earliest.

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

25.11.2024
deepak

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