

CWP-14897-2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14897-2024Date of decision: 03.07.2024

Sukhvir Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: Mr. Chetan Mittal, Senior Advocate, with
Mr. Kunal Mulwani, Advocate, and
Mr. Ritvik Garg, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

A Certiorari is prayed for, to quash the decision of the Food Corporation of India, dated 01.07.2024 (P-11), vide which, respondent No.8 (Angrej Singh) has been declared technically qualified for e-tender as regards appointment of Handling and Transport Contractor (HTC), Raikot Centre, District Ludhiana. Further, the respondent authorities be directed to treat respondent No.8 as blacklisted, in terms of Note 3 of clause 5 (c) of Punjab Foodgrains Labour & Cartage Policy, 2023-24 (P-3).

Learned Senior counsel for the petitioner submits that out of the four participants, three, including the petitioner and respondent No.8, were declared technically responsive, and the price bids are scheduled to be evaluated today itself. He submits that, with respect to a tender for clusters Ajitwal-1, 2 and 3 in 2023, respondent No.8 was held to be technically unfit, for he had uploaded fake Aadhaar Cards of the workers/labourers, who were already dead. Accordingly, with reference to Note 3 of clause 5 (c) *[ibid]*, he submits that if Aadhaar numbers are found to be fake/invalid or duplicate, it entails three fold ramifications for the tenderers, such as, **(i) cancellation of tender; (ii) blacklisting up to three years; and (iii) registration of criminal case.** He asserts,



considering that respondent No.8 was declared ineligible, owing to material concealments, the Department of Food, Civil Supplies & Consumer Affairs, Punjab (respondent No.2), had sought legal opinion from the office of Advocate General, Punjab, to initiate blacklisting proceedings against respondent No.8. And, per the opinion, there was no bar for taking further action with regard to blacklisting of Angrej Singh, in terms of Note 3 of clause 5 (c), as it would not amount to review of earlier decision of DTC. For, the blacklisting was one of the actions which were to be taken against the bidder for producing fake/invalid Aadhaar card(s). Thus, it is submitted that the authorities were obliged to pass necessary orders, in terms of Note 3 of clause 5 (c) *[ibid]*. It is urged that prior to the institution of this petition, the petitioner had even served the respondent authorities with a representation/e-mail dated 18.06.2024 (P-6) and legal notices dated 24.06.2024 (P-7 and P-8). Similarly, a representation dated 29.06.2024 (P-10), was also served upon the General Manager, FCI, (respondent No.6). But to no avail.

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, learned Additional Advocate General, Punjab, for respondents No. 1 to 3, and Mr. Sunish Bindlish, Standing Counsel for the respondent-FCI, are present in Court.

At the outset, learned State counsel, on instructions, submits, for 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 his representations/legal notices (*ibid*), in accordance with law, within three days from today.

Likewise, learned counsel for the respondent-FCI submits that post passing of the orders by the State of Punjab, as indicated above, necessary orders, dealing with the representations/legal notices submitted by the petitioner, shall also be passed by the competent authority (FCI), within three days thereafter and communicated to the petitioner.

Learned Senior counsel for the petitioner is in agreement with the course suggested by learned counsel for the respondents and submits that let this petition be disposed of, in terms of the statements made by them.



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 the appropriate orders shall be passed within the time indicated by learned counsel for the respondents.

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

03.07.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No