



C.W.P. No. 16511 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 16511 of 2024

Date of decision: 18.07.2024

M/s Shivam Media Solutions Sirsa and others

.... Petitioners

Vs.

State of Haryana and others

.... Respondents

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

Present: Mr. Sushil Kumar Verma, Advocate and
Mr. Rajat Verma, Advocate
for the petitioners.

ARUN PALLI, J (Oral)

Pursuant to the request for proposal issued by the Municipal Council, Sirsa (Haryana), for Construction, Operation, Maintenance of Modern Direction Signage, Welcome Gate on Design Build, Finance, Operate and Transfer (DBFOT) basis against rights for display advertisement, private respondents No.5 and 6 had submitted their respective bids. In response to another request for proposal by the respondent-Council, for construction of New Bus Queue Shelter (BQS), basis against rights for display advertisement, again the said private respondents participated in the tendering process and submitted bids.

Learned counsel for the petitioners submits that based upon the technical evaluation of the private respondents, both were declared compliant/responsive. However, for respondent No.5 (M/s Futek Digital Connect Pvt. Ltd.) was adjudged H-1, contract for construction of BQS has since been awarded to it. Whereas, for respondent No.6 (M/s Pankaj Printers) was declared H-1 as regards DBFOT, it has accordingly been awarded the contract. He submits that grievance of the petitioners is that none of them could participate in the tendering process, for the time, within which the bids were required to be submitted (from 1.3.2024 to 7.3.2024),

was apparently inadequate. Therefore, they were virtually deprived of their



right to participate. Further, with reference to Clause (3) of the Haryana Municipal Advertisement Bye-Laws, 2022, he submits that permission for which the rights for Outdoor Media Display (OMD) could be granted, is three years. Thus, the contracts assigned to the private respondents by the authorities for a period of 20 years is apparently in conflict with the said bye-laws. In reference to the averments set out in paragraph 16 and 17 (at page 18) and paragraph 20 (at page 20) of the paper book, he submits that, *ex facie*, assignments of the contracts to the private respondents for 20 years would cause a colossal loss to the respondent-Council. Thus, it is submitted that private respondents have been assigned the contract for an oblique purpose and extraneous considerations. It is urged that prior to the institution of this petition, petitioners had even served the respondent authorities with representations dated 28.03.2024 (P-5) and 13.06.2024 (P-6), but to no avail.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, for respondents No.1 to 4, is present in Court. At the outset, he, on instructions, submits, for the representations submitted by the petitioners (*ibid*), are pending consideration before the competent authority (Commissioner and Secretary, Urban Local Bodies Department, Haryana-respondent No.2), it would be expedient, if the petition is disposed of, at this stage, to enable the authority to take cognizance of the matter, forthwith. And pass appropriate orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioners, through their authorized representatives, shall be heard, for which, a formal communication shall also be issued to them, well in advance. He submits that as the work orders were issued in March, 2024, itself, the private respondents have since commenced the work at site. Be that as it may, he submits, to secure the interest of all the stakeholders, the necessary orders, as indicated above, shall be passed by the competent authority within a period of two weeks from today.

Learned counsel for the petitioners is agreeable to the course suggested by the learned State counsel and submits that let the 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 statements 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 pass appropriate orders within the time indicated by learned State counsel, assigning reasons in support thereof.

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 petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

18.07.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No