



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-16797-2024

Date of decision: 22.07.2024

Vijay Kumar and another

....Petitioners

Versus

Food Corporation of India and another

....Respondents

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

Present: Mr. Gauravjit Patwalia, Advocate, and
Mr. Adityajit Singh Chadha, Advocate
for the petitioners.

ARUN PALLI, J. (Oral)

Learned counsel for the petitioners submits that in response to the Tender Enquiry dated 06.05.2024 (P-1), issued by the respondent-Corporation, for appointment of Regular Handling and Transport Contractor (HTC) at Sultanpur Lodhi Centre, District Kapurthala, for a period of two years, eight bidders participated in the process. And, of which, six, including the petitioners and respondent No.2, were declared technically compliant/responsive. It is not in dispute that upon evaluating the price bids, respondent No.2, who had submitted a bid for Rs.8,71,37,102.35/-, was declared L1. Whereas, for petitioner No.1 had submitted a bid for Rs.9,46,26,616.48./-, he was declared L4, and petitioner No.2 was declared L2, as he had submitted a bid for Rs.8,92,75,436.15/-.

He submits that the limited grievance that the petitioners have is: respondent No.2 ought to have been disqualified by the respondent-Corporation, for he had furnished wrong and fraudulent business addresses and documents, as is discernible from Annexures P-4 to P-8. And the only intent behind furnishing wrong addresses was to avoid any legal liability, in the event any dispute arises in relation to the



contract in question. It is submitted that petitioner No.1 (Vijay Kumar) had made a formal complaint in this regard on 27.06.2024 (P-9), praying for rejection of the bid submitted by respondent No.2, but to no avail. Accordingly, it is urged that in terms of clause 13 as also clause 5 (a) of the tender document, the only and the inevitable option before the respondent-Corporation was to reject the bid submitted by respondent No.2.

Served with the advance copy of the petition, Mr. Sunish Bindlish, Advocate, for the respondent-Corporation, is present in Court. At the outset, he, on instructions, submits that though, the competent authority has taken cognizance of the complaint submitted by petitioner No.1 (*ibid*), but owing to certain formalities that are required to be complied with, he has been asked to submit his grievance, per the prescribed proforma/format. Be that as it may, he submits that even though, the contract has since been assigned to respondent No.2 on 16.07.2024, but the work is yet to be commenced by it. Thus, it is urged that in the given circumstances and to secure the interest of all the stakeholders, the respondent-Corporation shall take cognizance of the concerns/grievances of the petitioners, as set out in the petition, forthwith. And pass necessary orders, in accordance with law, as expeditiously as possible. Further, before any such orders are passed, all the stakeholders shall be heard, for which a formal communication shall also be issued. He submits that in this regard, petitioners or their authorized representative(s) may appear before the General Manager (Region), Regional Office, Punjab, Food Corporation of India, Bay No.34-38, Sector 31-A, Chandigarh, on 24.07.2024 at 11:00 AM. However, he fairly submits that till the orders, as indicated above, are passed, respondent No.2 shall not proceed with the execution of work.

Learned counsel for the petitioners is agreeable to the course suggested by learned counsel for the respondent-Corporation, 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 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, assigning reasons in support thereof, shall be passed at the earliest.

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 petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

22.07.2024
Ak Sharma

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