



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17853 of 2024 (O&M)
Date of Decision :30.07.2024

M/s Mohinder Pal through its proprietor

.....Petitioner

Versus

The Haryana State Warehousing Corporation and others

..... Respondents

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

Present : Mr. Anurag Chopra, Advocate with
Ms. Himani Jamwal, Advocate for the petitioner.

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep Kaur, Advocate for respondents No.1 and 2.

ARUN PALLI, J. (Oral):

Learned counsel for the petitioner submits that vide NIT dated 12.07.2024, e-tenders were invited by the respondents-Corporation, for the work of loading/unloading of FCI food-grains. The petitioner, along with others, submitted its bid for **SWH Yamunanagar**. However, it was declared technically non-responsive/non-compliant, for it failed to append the FSSAI Certificate along with the technical bid.

Further, with reference to clause 10 of the tender documents, he submits that the decision of the respondent-Corporation to declare the petitioner ineligible is apparently erroneous and unsustainable, for there is no such requirement to append the said certificate along with the technical bid. It is urged that in terms of clause 3 of the eligibility criteria (page No.25 of the paper book), the said certificate was required to be appended, post award of the



contract. Further, the legal notice dated 27.07.2024 (P6) the respondents-authority have been served with, it is demonstrated, as to how respondent No.3, who has been adjudged LI, was technically non-responsive and ineligible.

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate, is present in Court for respondents No.1 and 2. At the outset, on instructions, he submits, for the matter is under active consideration of the competent authority, it would be expedient, if the petition is disposed of, at this stage, to enable the respondents-authority to deal with the concerns/grievances of the petitioner and pass appropriate orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioner as also all other stakeholders shall be heard. And a formal communication in this regard would be issued well in advance. Further, the matter being time sensitive the necessary orders shall be passed at the earliest. However, he fairly submits that even though the work order has been issued to the private respondent, but till a formal order is passed, respondent No.3 would not be permitted to execute the work.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for respondents No.1 and 2 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, the petition is accordingly disposed of, in terms of the statement made by learned counsel for the parties.

This Court is sanguine that the competent authority would consider the claim of the petitioner in the right earnest. And, a comprehensive



order, assigning reasons in support thereof, shall be passed, 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 above, the authority shall examine the grievance of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

30.07.2024
Manoj Bhutani

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