



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

CWP-18499-2024(O&M)
Date of decision: 05.08.2024

M/s RN Transport Co.

... Petitioner

Versus

Food Corporation of India

... Respondent

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

Present: Mr. Kamal Satija, Advocate,
for the petitioner.

Mr. Sunish Bindlish, Advocate, and
Mr. Viney Kumar, Advocate, for the respondent.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226/227 of the Constitution of India with a prayer that this Hon’ble Court may be pleased to issue a writ in the nature of certiorari quashing the impugned rejection dated 10.06.2024 (Annex. P-5) whereby arbitrarily and illegally the technical bid submitted for appointment as HTC at FCI Phillaur I & II Centre by petitioner in pursuance to e-tender (Annex. P-1) invited by respondent FCI for HTC at FCI Phillaur I & II Centre, has been declared disqualified and even the representation dated 26.06.2024 (Annexure P-6) submitted by petitioner for reconsideration has not been considered/ responded to by the respondent.

AND

Issue a writ in the nature of mandamus directing the respondent to consider the petitioner qualified for the said tender.

AND



Issue a writ in the nature of mandamus directing the respondents to cancel the said tender notice so floated by the respondent-FCI and direct the respondent-FCI to issue a fresh tender with such terms and conditions whereby fair participation takes place and the auction process takes place in its true spirit.”

Learned counsel for the petitioner submits that vide NIT dated 12.04.2024 (P-1), the respondent-Corporation had invited bids for appointment of Handling and Transport Contractor (HTC) at FCI Phillaur I & II Centre. He submits that the limited grievance that the petitioner has is: vide impugned order dated 10.06.2024 (P-5), the petitioner has since been declared technically non-compliant/non-responsive. It is submitted that prior to the institution of this petition, the petitioner had even served the respondent authorities with a representation 26.06.2024 (P-6) qua its concerns/grievances.

Served with the advance copy of the petition, Mr. Sunish Bindlish, Advocate, is present in Court, on behalf of the respondent-Corporation. At the outset, he submits that after the price bid was opened and evaluated, the contract in question has since been assigned to M/s Hans Raj & Co. on July 10, 2024. Be that as it may, he submits that even though, in terms of Clause 18 (c) of the tender documents (at page 107 of the paper book), the petitioner had the option to express its grievances, but he chose not to. At any rate, he submits, for the representation submitted by the petitioner is pending consideration, it would be expedient, if the petition is disposed of, at this stage, to enable the respondent-authority to deal therewith and pass necessary orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioner, through its authorized representative, shall be heard. And a formal communication in this regard will be issued to it, well in advance.

Learned counsel for the petitioner is agreeable to the course suggested by the learned counsel for the respondent and submits that let the petition be disposed of in terms of the statement made by him. However, he submits that the matter being time sensitive, the competent authority be directed to consider and finally decide the matter within a specified time.



To this, learned counsel for the respondent submits that the necessary orders in this regard shall be passed within four weeks from today.

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 pass appropriate orders, within the time indicated by learned counsel for the respondent, 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 petitioner, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

05.08.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO