



CWP-20222-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCWP-20222-2024Date of decision: 22.08.2024

M/s Karnail Singh

....Petitioner

Versus

The Haryana State Warehousing Corporation and othersRespondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWALPresent: Ms. Seerat Saldi, Advocate, for
Mr. Anurag Chopra, Advocate,
for the petitioner.

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 for the issuance of a writ, order or direction especially a writ in the nature of Certiorari for quashing the impugned Officer Order/Tender Summary dated 15.07.2024 (Annexure P-3) to the extent whereby the Technical Bid of Respondent No.3 has been declared responsive for being appointed as Labour Contractor for FCI Guarantee Godowns as SWH Ladwa in an illegal and arbitrary manner beyond the terms and conditions of the E-Tender Notice dated 05.07.2024 (Annexure P/1) thus being unsustainable in the eyes of law, in the interest of justice, equity and fair play;

AND

For the issuance of Writ in the nature of Certiorari for quashing the Office Order/Allotment Letter dated 17.07.2024 (Annexure P/4) whereby the Respondent No.3 has been awarded the work for Labour Handling Contractor for FCI Stock (Godown Operation Only) in FCI Guarantee Godown at



SWH Ladwa despite being technically non-compliant with the essential eligibility criteria as specified in the E-Tender Notice dated 05.07.2024 (Annexure P/1), in the interest of justice, equity and fair play;

AND

For the issuance of writ in the nature of Mandamus against inaction of the Official Respondents whereby the Technical Bid submitted by the Respondent No.3 has been held responsive beyond the terms and conditions/instructions/eligibility criteria having specified in the E-Tender Notice dated 05.07.2024 (Annexure P/1) and the shortcomings/anomaly in the Technical Submissions has been deliberately ignored by the Tender Evaluation Committee in an illegal and arbitrary manner and further not awarding the work in favour of the Petitioner who was technically responsive and financially competitive without any justification or reasoning, in the interest of justice, equity and fair play.”

Learned counsel for the petitioner submits that Haryana State Warehousing Corporation (respondent No.1) had invited online tender for appointment of contractor (HC) for loading/unloading and handling of food grains & other notified commodities as well as dead stock articles at HSWC godowns hired by FCI, under Guarantee/Reservation Scheme at State Warehouse-Pehowa, Pipli, Shahabad, KKR-II, Ladwa, Ismailabad and KKR-I. Further, she submits that the petitioner, along with other participants, had submitted its bid for State Warehouse Ladwa. She asserts that the petitioner and respondent No.3 (M/s Kulbir Singh) were declared technically responsive/compliant. And, vide an allotment letter/office order dated 17.07.2024 (P-4), the tender has since been awarded to respondent No.3. It is submitted that in terms of clause 10 (iv) of the tender document, the bidders were required to submit ***“experience certificate of handling work for the last three***



years from the competent authority". Whereas, respondent No.3 had submitted the work experience certificates for the years 2019-20; 2020-21; 2021-22; and 2022-23 (P-5). Thus, she asserts that respondent No.3 apparently lacked the eligibility/experience, as the experience certificate for the year 2023-24 was never appended. Hence, the tender summary dated 15.07.2024 (P-3), vide which, respondent No.3 was declared technically compliant/responsive, being erroneous, is required to be set aside. It is urged that prior to the institution of this petition, the petitioner had even served the respondent authorities with an e-mail dated 20.07.2024 (P-6) as also a legal notice dated 06.08.2024 (P-7), as regards its concerns/grievances. But to no avail.

Served with the advance copy of the petition, Mr. Deepak Bhardwaj, learned Deputy Advocate General, Haryana, is present in Court. At the outset, he, on instructions, submits, for the competent authority is already in seisin of the concerns/grievances of the petitioner, it would be expedient if this petition is disposed of, at this stage, to enable the respondent authorities to consider and pass necessary orders on the e-mail/legal notice (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, authorized representative(s) of the petitioner shall be heard. And a formal communication, in this regard, shall also be issued, well in advance.

Learned counsel for the petitioner is in agreement with the course suggested by learned State counsel and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the matter being time sensitive, the authorities be directed to do the needful, within a specified time.



In response, learned State counsel submits that appropriate orders shall be passed within a period of two weeks from today.

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 State counsel.

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

22.08.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No