



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

CWP-21639-2024(O&M)
Date of decision: 31.08.2024

Jyoti Rani Contractor
... Petitioner

Versus

State of Punjab and others
... Respondents

**CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Vinay Puri, Advocate,
for the petitioner.
Mr. Jastej Singh, Deputy Advocate General, Punjab.
(Through Hybrid Mode)

ARUN PALLI, J. (Oral)

The petitioner (Jyoti Rani Contractor) has prayed for the following substantive relief:

“Civil Writ Petition Under Article 226 of the Constitution of India with the prayer that this Hon’ble Court for issuance of a direction the writ in the nature of mandamus to respondents 2 and 3 to issue a work order to the petitioner after declaring it as L/1 bidder vide information display on official website on 03.07.2024 (Annexure P/2) for the work at Sr. No.5 of the tender notice for “Supply of 5 Tractor trolleys (with diesel) along with driver and 2 labourers on rent for 10-Months for lifting of garbage from wards Sodal Mandir and Lamba Pind” (Annexure P/1).

It is further prayed that this Hon’ble Court may kindly issue another writ, order, or direction in the nature of Mandamus directing the Respondent to take appropriate decision/decide the representation dated 05.08.2024 duly received vide no.443/SE on 07.08.2024 by the respondent



authority the Tender after giving proper opportunity to the petitioner who was a successful bidder.”

The Municipal Corporation, Jalandhar had invited e-tenders on March 14, 2024, for supply of 5 Tractor Trolleys (with diesel) along with driver and 2 labourers on rent for 10 months, for lifting of garbage from wards Sodal Mandir and Lamba Pind (P-1).

Concededly, earlier respondent No.4 (**Gaurav Gupta Contractor**), who was declared technically compliant/responsive, had approached this Court vide CWP-16189-2024. And, the petitioner (Jyoti Rani Contractor) was arrayed as respondent No.4 in the said petition, which was dismissed as withdrawn on July 16, 2024:

“Having argued the matter at some length, learned counsel for the petitioner submits that he be permitted to withdraw the petition to enable the petitioner to pursue the legal notice dated 03.07.2024 (P-6), the respondent-authorities have been served with. For, the case set out in the petition is that since respondent No.4 (*M/s Jyoti Contractor*) was technically non-compliant, its technical bid ought not to have been accepted.

Dismissed as withdrawn.”

For, despite the order(s) referred to above, as also the legal notice dated July 3, 2024, the respondent-Corporation was alleged to have been served with, the matter made no tangible progress, respondent No.4 (Gaurav Gupta Contractor) filed yet another petition, i.e. CWP-19683-2024. And, after hearing learned Senior counsel for the respondent-Corporation, the said writ petition was disposed of by this Court on August 29, 2024:



“Concededly, the petitioner (Gaurav Gupta Contractor), centered upon the same cause of action, had even earlier approached this Court vide CWP-16189-2024, which was disposed of on 16.07.2024:-

“Having argued the matter at some length, learned counsel for the petitioner submits that he be permitted to withdraw the petition to enable the petitioner to pursue the legal notice dated 03.07.2024 (P-6), the respondent authorities have been served with. For, the case set out in the petition is that since respondent No.4 (M/s Jyoti Contractor) was technically non-compliant, its technical bid ought not to have been accepted.

Dismissed as withdrawn.”

Learned Senior counsel for the petitioner submits that the limited grievance that the petitioner has is: even though, pursuant to the order passed by this Court (*ibid*), he moved the respondent-Corporation, vide repeated representations dated 24.07.2024 (diary No.387/CE); 25.07.2024 (diary No.689/CE); 12.08.2024 (diary No.456/CE) and 12.08.2024 (diary No.805/CE), to examine his concerns/grievances as regards ineligibility of the private respondent. But to no avail.

In response, learned Senior counsel for contesting respondent No.3, on instructions from Mr. Baljit Singh, Executive Engineer, Municipal Corporation, Jalandhar, submits that to date, the respondent-Corporation has not received any such representation, and thus, there was no occasion to deal with the concerns of the petitioner, as sought to be raised in the petition at hand. Be that as it may, he submits that let the petitioner move the Corporation now, by filing a comprehensive representation, which shall be taken cognizance of, forthwith. And necessary orders, in accordance with law, shall be passed thereon within a week from the receipt of the said representation. Further, before any such orders are passed, the petitioner, as also the other



stakeholder(s), shall be heard, for which, a formal communication shall be issued to them, well in advance. However, he fairly submits that if the contract has not been formally assigned to the private respondent and the work is yet to be commissioned, the work order shall not be issued till the formal orders, as indicated above, are passed.

Learned Senior counsel for the petitioner is in agreement with the course suggested by learned Senior counsel for respondent No.3, 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 Senior counsel for the petitioner, as also respondent No.3, 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 at within the time indicated by the learned Senior counsel for respondent No.3.

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 earlier, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.”

Apparently, the issue as to whether the petitioner is technically compliant/responsive in terms of the tender conditions, is to be examined by the respondent-Corporation. And, as indicated above, in the order dated August 29, 2024, before any formal decision is reached in this regard, not only respondent No.4 but also the petitioner shall also be afforded an opportunity of hearing by the authority.



That being so, learned counsel for the parties fairly submit that nothing substantive survives in this petition and the same be disposed of as such.

In the wake of the position sketched out above, as also the statements made by learned counsel for the parties, the petition is accordingly disposed of.

(Arun Palli)
Judge

(Kirti Singh)
Judge

31.08.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO