



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-21995-2024(O&M)
Date of decision: 03.09.2024

Om Prakash Arya
... Petitioner
Versus
Food Corporation of India and another
... Respondents

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

Present: Mr. Anurag Chopra, Advocate,
for the petitioner.
Mr. K.K. Gupta, Advocate,
for the respondent-FCI.

ARUN PALLI, J. (Oral)

Vide Notice Inviting Tender (NIT), dated June 19, 2024 (P-1), the respondent-Corporation had invited e-tenders for appointment of regular contractor for handling and transport of foodgrains and allied material etc. at Centre Gohana, for a period of two years.

Concededly, the petitioner participated in the tender process and submitted his bid. However, upon technical evaluation of his bid, the authorities, vide order dated August 27, 2024 (P-5), declared him non-compliant/non-responsive, as he failed to submit the bank account statement of the last one year, for the period ending on the date of publication of NIT.

Learned counsel for the petitioner fairly draws our attention to Clause XVIII(c) of the Tender Documents, which postulates that in the event, a tenderer is disqualified, he can, within two working days from the date of his disqualification, submit his grievance to the General Manager (Region) through GeM portal. And, the General Manager (Region) is to redress his grievance(s) by passing Speaking Order within seven (7) working days, and thereafter the price bid(s) would be opened. He submits, although the technical results were uploaded by the Corporation on August 27, 2024, but



inadvertently and due to certain unforeseeable circumstances, the petitioner did not check the results uploaded till August 30, 2024. However, immediately after coming to know that he was declared ineligible, the petitioner, vide representation dated August 31, 2024 (P-6), questioned the validity of the decision of the respondent-authorities by which he was declared non-compliant. It is submitted that the price bid submitted by the petitioner is 214% ASOR below as compared to M/s Jind Transport, the tenderer who has been adjudged L1. Be that as it may, he submits that the respondent-Corporation has failed to respond to the representation submitted by the petitioner, which is still pending consideration. Thus, this petition.

Served with the advance copy of the petition, Mr. K.K. Gupta, Advocate is present in Court on behalf of the respondent-FCI. At the outset, he submits, as concededly the petitioner did not submit any objection/grievance in terms of Clause 18(c) of the Tender Documents, the authority, in sync with the time-lines envisaged under the tender, has opened the price bid(s), upon which M/s Jind Transport was adjudged L1. However, it is urged, for the respondent-authority is already in *seisin* of the representation (**ibid**) alleged to have been submitted by the petitioner, let the petition be disposed of, to enable the competent authority to consider the concerns/grievances of the petitioner. And pass appropriate orders, in accordance with law.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondent(s). However, he submits, the matter being time sensitive, the authorities be directed to take a decision within a specified time.

In response, learned counsel for the respondent(s) submits that necessary orders shall be passed within a period of 7 days from today.

That being so, learned counsel for the petitioner submits that let the petition be disposed of in terms of the statement made by learned counsel for the respondent(s).

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.



This Court is sanguine that the respondent-authority shall consider/examine the matter in the right earnest, and as submitted by learned counsel appearing on its behalf, would pass the necessary orders within the stipulated period.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

03.09.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO