



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.23122 of 2024
Date of decision: 11.09.2024

M/s Zonta Infratech Private Limited

....Petitioner

V/s

State of Punjab and others

....Respondents

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

Present: Mr. Gaurav Chopra, Senior Advocate with
Mr. Reshabh Bajaj, Advocate, for the petitioner.
Mr. Jastej Singh, DAG, Punjab, for the respondent-State.
Mr. Sanjeev Soni, Advocate,
for respondent No.2-Municipal Corporation, Patiala.

VIKRAM AGGARWAL, J.

The petitioner herein 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 Technical Evaluation Report dated
02.08.2024 (Annexure P / 7) in pursuance to the Notice
Inviting Tender dated 05.07.2024 issued by the
Respondent No.2 for Operation and Maintenance of
Semi Underground Bins and Portable Compactor of
Patiala City Tender ID 2024_DLG_123381_1 (Annexure
P / 5) , to the limited extent that the Technical Bid of
Respondent Nos.3 and 4 (Annexure P/8 and P/9
respectively) have been considered to be technically
eligible despite the fact that there are grave discrepancies
and irregularities in the Technical Bid submitted by the
Private Respondents and thus they do not technically***



qualify for the aforesaid tender dated 05.07.2024 and their bids are liable to rejected in the interest of justice, equity and fair play

AND

For the issuance of a writ in the nature of Mandamus directing the Respondent No.2 to adjudicate upon the representation dated 02.08.2024 (Annexure P / 10) 05.08.2024 (Annexure P / 11) and 06.09.2024 (Annexure P / 12) submitted to the Respondent No.2 by the Petitioner highlighting the irregularities and discrepancies in the bid submitted by Respondents No.3 & 4 pursuance to the Notice Inviting Tender dated 05.07.2024 issued by the Respondent No.2 for Operation and Maintenance of Semi Underground Bins and Portable Compactor of Patiala City Tender ID 2024_DLG_123381_1 (Annexure P/5);

AND

For the issuance of a writ in the nature of Mandamus directing the Respondent No.2 to declare the bids submitted by the Respondent Nos. 3 and 4 (Annexure P/8 and P/9 respectively) as technically ineligible and consequently awarding the tender in favor of the Petitioner who is the L1 technically qualified bidder in the tender process initiated in pursuance to the Notice Inviting Tender dated 05.07.2024 for Operation and Maintenance of Semi Underground Bins and Portable Compactor of Patiala City Tender ID 2024_DLG_123381_1 (Annexure P/5);

AND

For the issuance of a writ in the nature of Mandamus directing the Respondent No.2 to not finalize the tender process issued in pursuance to Notice Inviting Tender for Operation and Maintenance of Semi Underground Bins and Portable Compactor of Patiala City Tender ID



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***2024_DLG_123381_1 dated 05.07.2024 (Annexure P/5)
and further restrain the Respondent No. 2 from awarding
the contract or allotting the work during the pendency of
the present Petition;”***

At the outset, learned Senior Counsel for the petitioner submits that before filing the instant petition, the petitioner had moved representations dated 02.08.2024 (Annexure P-10), 05.08.2024 (Annexure P-11) and 06.09.2024 (Annexure P-12) but they failed to evoke any response. He further submits that even though a personal hearing was granted to the petitioner on 20.08.2024, no order was passed. He further submits that yesterday evening i.e. on 10.09.2024 at 8.03 p.m., an e-mail was sent by the Superintending Engineer, Municipal Corporation, Patiala to the petitioner informing about an order dated 30.08.2024 having been passed on the representations dated 02.08.2024 and 05.08.2024, vide which the representations had been consigned to the record room. Learned Senior Counsel submits that the order is totally cryptic and non-speaking and appears to have been passed only upon filing of the instant writ petition and advance copy of the same having been served upon the respondents. Learned counsel submits that on account of the illegal and arbitrary manner in which the matter is being dealt with, the rights of the petitioner are severely impaired.

Upon this, learned counsel for the respondents concede that the order dated 30.08.2024 conveyed to the petitioner late last evening is non-speaking and does not even touch the issue/s raised in the representations.

They submit that though the work order has been issued,

agreement in pursuance of the same has not been executed between the



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parties. They further submit that the authority concerned i.e. Commissioner/Superintending Engineer, Municipal Corporation, Patiala shall reconsider the representations submitted by the petitioner and shall also afford an opportunity of hearing, intimation as regards which shall be given to the petitioner in writing, after which a speaking order shall be passed within a period of 10 days from today. They further submit that till a speaking order is passed, the agreement shall not be executed in furtherance of the work contract and the work shall not, therefore, be allotted.

Learned Senior Counsel for the petitioner is agreeable to the aforesaid course suggested by learned counsel for the respondents and submits that the writ petition be disposed of in the said terms.

Accordingly, the writ petition is disposed of in terms of the statements given by learned counsel for the parties.

This Court is sanguine that the authorities shall pass appropriate orders, in accordance with law, within the time indicated by learned counsel for the respondents, 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 above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law .

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

September 11, 2024
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