



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-23274-2024(O&M)
Date of decision: 12.09.2024

M/s Bedi Electrical Works
... Petitioner
Versus
Punjab State Power Corporation Limited and others
... Respondents

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

Present: Mr. Nitin Verma, Advocate, and
Mr. Kinshu Mittal, Advocate, for the petitioner.
Mr. Gagneshwar Walia, Advocate,
for the respondent(s)-PSPCL.

ARUN PALLI, J. (Oral)

The respondent-Corporation had invited e-tenders for Outsourcing of Labour Part for Erection, Testing & Commissioning of New 11KV LT/HT Lines on Rail/PCC Poles etc., in various Sub Divisions under DS Division Abohar (P-2).

Learned counsel for the petitioner submits that the last date to submit the bids was August 29, 2024. And the petitioner being one of the participants in the tendering process, had submitted its bid on August 27, 2024. However, vide intimation dated September 4, 2024 (P-6), via a text-message, the petitioner was declared non-responsive. It is submitted that upon his visit to the office of the respondent(s), the petitioner learnt that, in fact, he was disqualified due to deposit of partial payment during the submission of his bid. However, he submits that the uploaded NITs specified a tender fee of Rs.1180/-, whereas the petitioner-firm had deposited Rs.4918/- through PSPCL Portal against e-procurement Ref. No.254463579830, UTR No-CHQ9114149 & 254427579837, UTR No-CHQ9114612. And, the subsequent submission of documents and rates was successfully completed on August 27, 2024. Further, it is urged that as the tender could never be uploaded without full payment, the reason cited for disqualification of the petitioner is apparently false. And, at



any rate, nothing in writing is communicated to the petitioner as to how or on what grounds, the Committee constituted to evaluate the bids of the participants found him non-responsive.

Served with the advance copy of the petition, Mr. Gagneshwar Walia, Advocate is present in Court on behalf of the respondent(s)-PSPCL. At the outset, he has shared with us a photocopy of the Tender Details, dated September 12, 2024, which is taken on record as **Mark 'X'**. Further, he submits that, in fact, clause 5 of the Tender Inviting Documents (page 30 of the paper book) indicated Rs.1180/- as tender document cost, whereas Rs.4918/- was the Processing Fee, which was required to be submitted along with the tender. Thus, in total, the petitioner was required to deposit Rs.6098/-, but there being a deficiency of Rs.1180/-, he was disqualified.

To this, learned counsel for the petitioner submits, the stand that is sought to be set out by the respondent-authority is apparently erroneous, for there was no provision on the web portal of the respondent-Corporation that actually required the petitioner to deposit Rs.1180/-. And, that being so, it was not feasible for the petitioner to have deposited the said amount.

Learned counsel for the respondent(s), *prima facie*, does not dispute the factual position, indicated above. However, he submits that in the given circumstances, it would rather be expedient, if the petition is disposed of, at this stage, to enable the competent authority to deal with the concerns/grievances of the petitioner, as raised in the petition. And pass necessary orders in accordance with law. Further, he submits that before any such orders are passed, the petitioner would be heard. For which, a formal communication would be issued, well in advance.

And, as always, he fairly submits that before any formal decision is reached by the competent authority, and the orders in this regard is conveyed to the petitioner, the work order shall not be assigned to the successful tenderer.

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). However, he submits that the authorities be directed to take a decision within a specified time.



In response, learned counsel appearing for the respondent(s) submits that necessary orders shall be passed within a period of 15 days 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 stands disposed of. This Court is sanguine that the respondent-authorities shall consider the matter in the right earnest, and pass the appropriate orders in accordance with law.

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

12.09.2024
Rajan

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