



CWP-23569-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23569-2024Date of decision: 16.09.2024

M/s Puneet Industries Private Limited

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Ms. Ridhi Bansal, Advocate,
Mr. R. Kartikeya, Advocate, and
Ms. Sidhi Bansal, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner (M/s Puneet Industries Private Limited) has
prayed for the following substantive relief:-

***“Civil Writ Petition under Articles 226/227 of
the Constitution of India for issuance of writ in the nature
of Mandamus, or any other appropriate writ, direction
order directing the Respondents to execute the contract in
favour of the Petitioner Company, inasmuch as despite
being declared as the successful bidder in tender
(Annexure P2), the Respondents on one hand have failed
to redress the representations of the Petitioner Company
and on the other hand failed to execute the contract in
favour of the Petitioner Company sans assigning any
cogent reasons which is ex facie arbitrary and hence falls
foul of Article 14 and 21 of the Constitution of India;***

***AND/OR in the alternative direct the
Respondents to decide the representations preferred by the
Petitioner Company dated 27.08.2024, 30.08.2024 and***



04.09.2024 (Annexure P.8 to Annexure P.10) in a time bound manner.”

Learned counsel for the petitioner submits that in response to the E-tenders (P-2), for sale of old and used Plant & Machinery of the Panipat Cooperative Sugar Mills, petitioner, along with 17 others, had participated in the tendering process. Upon being declared technically compliant/responsive, the petitioner was also adjudged H1. Accordingly, it was issued a Letter of Intent dated 14.08.2024 (P-5). However, she submits that one of the tenderers, who was technically disqualified, approached this Court vide CWP-20021-2024 (Gagandeep Kumar Vs. State of Haryana and others), assailing the decision of Technical Evaluation Committee. And, vide order dated 20.08.2024 (P-6), the said petition was disposed of, on the statement of learned State counsel, for it was submitted that the competent authority, which was alleged to be in seisen of the representation submitted by the petitioner, would examine his concerns/grievances and pass necessary orders. She submits, now that vide a detailed order dated 06.09.2024 (P-11), claim of the said tenderer has since been rejected, for he failed to meet the eligibility criteria, the authorities, on 14.09.2024, have even withdrawn the letter dated 23.08.2024, whereby, the LOI was kept in abeyance. But, despite there being no impediment, the authorities have failed to assign the work order to the petitioner and to execute a formal contract with it. Whereas, in terms of the LOI, the petitioner had even deployed the requisite personnel at site to work the contract and the security deposits of the petitioner are being retained by the authorities. Hence, this petition.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, is present in Court. At the outset, he, on instructions, submits that in the given circumstances, concerns/grievances of the petitioner are, indeed, well founded. Accordingly, he submits that the petitioner would be issued the work order, and a formal agreement would also be entered into between the parties, within a week from today.



That being so, learned counsel for the petitioner submits that nothing substantive survives in the petition and the same be disposed of, in terms of the statement made by learned State counsel.

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.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

16.09.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No