



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 24250 of 2024

Date of decision: 20.09.2024

The Rahul Co-operative Labor and Construction Society Limited
.... Petitioner

Vs.

State of Haryana and others
.... Respondents

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

Present: Mr. Raghav Sharma, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

The petitioner (Rahul Co-operative Labor and Construction Society Limited) has prayed for the following substantive relief:

“Civil Writ Petition under Article 226 of the Constitution of India for issuance of writ in the nature of Certiorari quashing the work order dated 13.03.2024 (P-4) awarded in Tender No.2024-HRY-352733-1 (P-1) dt. Nil in favor of the respondent no.5, in sheer violation of terms and conditions of tender and on the basis of forged and fabricated documents submitted by respondent No.5.

And/Or

Issue a writ of mandamus in to the official respondent to intitiate appropriate action in the representation dt. 11.03.2024 (P-10) against respondent no.5 for malafidedly, submitting false and fabricated documents.

And/Or

Issue a writ of mandamus directing the official respondents to award the tender in favor of the petitioner, being lowest available eligible bidder, in the tender process.

And/Or



During the pendency of the present writ petition the operation of work order dt.13.03.2024 (P-4) may kindly be stayed, in the interest of justice.”

Learned counsel for the petitioner submits that in response to the DNIT dated February 09, 2024, the petitioner as also respondent No.5, along with other tenderers, had submitted their respective bids for door to door collection, segregation, transportation as well as processing of waste, for the Municipal Committee, Radaur. He submits that upon technical evaluation of the bids, both, petitioner as well as respondent No.5, were declared technically responsive/compliant. But, as respondent No.5 was adjudged L1, he was issued the work order dated March 13, 2024 (P-4). Accordingly, the contract is being worked by the private respondent. It is submitted that the petitioner has obtained certain vital information under the Right to Information Act, which shows that respondent No.5 had submitted forged and fabricated documents violating Clause 3.2.3A and 3.2.3B of the tender documents. And, therefore, is liable to be disqualified. It is urged that respondent No.5, in fact, does not have the Labour Licence. And, his net worth is indicated as Rs.57 Lakhs whereas, it is Rs.17,54,000/-. Not just that, the financial statements that are submitted by him were not supported by the requisite reports of the Chartered Accountant and no UDIN number is mentioned either. Accordingly, he submits that the petitioner has repeatedly represented to the respondent authorities, in this regard, vide representations dated March 11, 2024, April 18, 2024 and July 04, 2024 (P-10), but to no avail. Thus, this petition.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, for respondents No.1 to 4, is present in Court. At the outset, he, on instructions, submits that if any of the representations, as indicated above, is pending before the respondent authorities, the same shall be taken cognizance of forthwith and appropriate orders, in accordance with law, shall be passed. Further, he submits that before any such orders are passed, the petitioner, through its authorized representative, as also the other stake holders including respondent No.5 shall be heard, for which, a formal communication shall also be issued, well

in advance. He, as always, fairly submits that to secure the interest of all the stakeholders, the necessary orders, as indicated above, shall be passed by the competent authority within a period of four weeks from today.

Learned counsel for the petitioner is agreeable to the course suggested by the learned State counsel and submits that let the 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 counsel for the parties, this petition is accordingly disposed of.

This Court is sanguine that the authority shall consider/examine the matter in the right earnest, and pass appropriate orders within the time indicated by learned State counsel, 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 earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

20.09.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No