

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 24829 of 2024

Date of decision: 25.09.2024

M/s Zonta Infratech Private Limited

.... Petitioner

Vs.

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. Rishabh Bajaj, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

Learned Senior counsel for the petitioner submits that apparently, the impugned order dated September 13, 2024 (P-15), passed by the Municipal Corporation, Patiala, is erroneous and non-speaking. For it does not address the discrepancies pointed out by the petitioner, as regards the ineligibility of private respondents No.3 and 4, who have been adjudged L1 and L2, respectively. It is submitted that the discrepancies in the bids submitted by respondent No.3 are delineated at page no.16 and similarly qua respondent No.4 at page 17D of the paper book. Whereas, a bare analysis of the impugned order shows that none of those were dealt with by the competent authority. Thus, it is urged that not only the private respondents lack work experience but even the value of the work executed by them, does not meet the requirement in terms of the eligibility criteria set out in the tender notice.

Served with the advance copy of the petition, Mr. Jastej Singh, learned Deputy Advocate General, Punjab, for respondent No.1; Mr. Sanjeev Soni, Advocate along with Mr. Sarthak Soni, Advocate, for respondent No.2; and Mr. R.K. Arora, Advocate along with Mr. Jugam Arora, Advocate and Ms. Sanowar, Advocate, for respondent No.3, are present in Court.

At the outset, learned counsel for respondent No.2 (Municipal Corporation, Patiala), on instructions from Harkiran Pal Singh, Superintending Engineer, Municipal Corporation, Patiala, who is present in

Court, concedes that the impugned order does not deal with the objections raised by the petitioner to show that both the private respondents are non-compliant/non-responsive and, thus, they ought to have been disqualified. Accordingly, he submits that the same be deemed to have been recalled/withdrawn. And, the competent authority shall now pass a fresh order, in accordance with law. Further, he submits that before any such orders are passed, the petitioner, as also the other stake holders shall be heard, for which, a formal communication shall also be issued, well in advance. However, he fairly submits that till the formal orders, as indicated above are passed, the work order shall not be issued to the successful bidder.

Learned Senior 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, assigning reasons in support thereof, as expeditiously as possible.

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

25.09.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No