



CWP-28013-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-28013-2024**Date of decision: 18.10.2024**

The Rahul Co-Operative Labor and Construction Society Limited
....Petitioner
Versus

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 technical and financial bid/Comparative statement dt.28.09.2024 (P-3) vide which in Tender No.2024_HRY_385426_1 (P-1) dt. 01.07.2024, Respondent no.5 is held to be successful bidder, 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 initiate appropriate action in the representation dt.29.08.2024/02.10.2024 (P-11) against respondent no.5 for malafidely, submitted false and fabricated documents,”



Learned counsel for the petitioner submits that Municipal Council, Thanesar, District Kurukshetra, vide Notice Inviting Tender dated 01.07.2024, had invited tenders for day sweeping street/road, drain cleaning lifting of garbage and bush uprooting in Sector 2,3,5,7 and 13, as also night sweeping in commercial areas in Municipal Council Thanesar. In response, petitioner, along with six other bidders, submitted its bid. And, of which, five participants were declared technically compliant/responsive. Whereafter, their financial bids were opened and respondent No.5 was adjudged L1. However, he submits that apparently, respondent No.5 was ineligible, for it had appended forged and fabricated documents, besides false Employees Provident Fund Certificates. Further, he submits that the benefit of MSME Policy, 2016, ought not to have been extended to respondent No.5, for it failed to furnish the necessary forms, along with requisite stamp papers. Not just that, respondent No.5 had relied upon the work order dated 29.02.2024, as regards work experience in M.C. Gharaunda, but it did not bear signatures of the Secretary, M.C. Gharaunda. Thus, he asserts that in the given circumstances, decision of the Tender Inviting Authority dated 28.09.2024 (P-3), is apparently erroneous. It is urged that prior to the institution of this petition, the petitioner had even served respondent No.3 with a representation dated 28.09.2024 (P-11), as regards its concerns/grievances, but to no avail.

Served with the advance copy of the petition, Ms. Rajni Gupta, Advocate, for respondents No. 2 to 4, is present in Court. At the outset, she submits, for the competent authority is already in seisin of the matter, it would rather be expedient if the petition is disposed of, at this stage, to enable the respondent authorities to deal with the concerns/grievances of the petitioner and pass necessary orders on its representation (*ibid*), in accordance with law. Further, she submits that before any such orders are passed, the petitioner, as also the other stakeholder(s), shall be heard, for which a formal communication shall also be issued to them, well in advance.

Learned counsel for the petitioner is in agreement with the course suggested by learned counsel for respondents No.2 to 4 and



submits that let this petition be disposed of, in terms of the statement made by her. However, it is urged that the authorities be directed to do the needful, within a specified time.

In response, learned counsel for respondents No.2 to 4 submits that appropriate orders shall be passed within a week 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 is accordingly disposed of.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by learned counsel for respondents No.2 to 4.

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

18.10.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No