



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

**CWP No.28701 of 2024 (O&M)
Date of Decision :22.10.2024**

Health Atm India Private Limited

.....Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present : Mr. Namit Gautam, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

ARUN PALLI, J. (Oral):

The petitioner (Health Atm India Private Limited) has prayed for the following substantive relief:

“Civil Writ Petition under Article 226/227 of the Constitution of India for issuance of a appropriate writ, order or direction in the nature of certiorari for quashing the decision dated 04.10.2024 (Annexure P-14) passed by the respondent No.4 whereby declaring the technical bid of the petitioner company as not qualified as per terms & Conditions of RFP Document (Annexure P-2) and thus rejecting the technical bid of the petitioner company for Supply, Installation and Commissioning of Integrated Telehealth System for rate contract of two years on totally illegal, unjustified, unreasonable and erroneous grounds.

And

Further for issuance of appropriate writ, order or direction in the nature of mandamus directing the respondent



authorities to consider and accept the technical bid of the petitioner for Supply, Installation and Commissioning of Integrated Telehealth System for rate contract of two years and further open and consider financial bid of the petitioner.

And

Further writ in the nature of mandamus directing the respondents not to proceed further with the tender process till the decision of the present writ petition and further till the claim of the petitioner is adjudicated upon.”

Learned counsel for the petitioner submits that Haryana Medical Services Corporation Limited (respondent No.4), vide Request For Proposal (P2), had invited tenders for supply, Installation and Commissioning of Integrated Telehealth System for rate contract of two years. He submits that vide impugned order dated 04.10.2024 (P14), the Bid Evaluation Committee has since declared the petitioner ineligible/non-responsive. With reference to the averments set out in the petition, and the documents appended therewith, he submits that the impugned order is apparently erroneous for all the necessary/required documents were submitted by the petitioner in time and the petitioner was/is compliant/responsive. At any rate, he asserts that in terms of the tender conditions as also the impugned order, the participants/tenderers, if aggrieved, could submit objections to question the decision of the Bid Evaluation Committee. Accordingly, the petitioner, vide representation dated 09.10.2024 (P15), submitted objections to the decision of the Bid Evaluation Committee, vide which he was held ineligible. He submits that albeit objections/representation(s) were submitted well within the stipulated period, but to date no order has been passed by the respondents-Corporation. And, in



the given circumstances, the petitioner apprehends that the authorities would proceed with the tendering process and in the event the price bid is opened that would further entail multiple complications.

Served with the advance copy of the petition, Mr. Deepak Bhardwaj, DAG, Haryana, is present in Court for the respondents. At the outset, he, on instructions, submits that as the competent authority is already in seisin of the objections/representation (ibid) submitted by the petitioner, assailing the decision of the Bid Evaluation Committee, it would be expedient if this petition is disposed of, at this stage, to enable the respondent-authorities to examine the matter in the right earnest and decide the objections/representation submitted by the petitioner. He submits that before any formal order is passed, the petitioner shall also be heard. And, the petitioner through its authorized representative may appear before the competent authority i.e. Technical Committee headed by General Manager, Haryana Medical Services Corporation on 24.10.2024 at 11.00 A.M. Further, he fairly submits that before any formal decision in this regard is reached, the authority would not assign the work to any successful tenderer.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents and submits that let the petition be disposed of in terms of the statement made by him. However, he submits that authorities be directed to take a decision within a specified time.

To this, learned counsel for the respondents submits that the competent authority shall pass the necessary orders within a period of 4 weeks from today and shall communicate the decision to the petitioner.



In the wake of the position, as sketched out above, the petition is accordingly disposed of, in terms of the statement made by learned counsel for the parties.

This Court is sanguine that the competent authority would consider the claim of the petitioner in the right earnest. And a comprehensive order, assigning reasons in support thereof shall be passed within the time indicated by learned counsel for respondents.

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 above, the authority shall examine the grievance of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

22.10.2024
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No