



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 29216 of 2024

Date of decision: 25.10.2024

Rajeev Enterprises

.... Petitioner

Vs.

State of Punjab and others

.... Respondents

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

Present: Mr. Sarthak Gupta, Advocate, for the petitioner.

ARUN PALLI, J (Oral)

Municipal Corporation, Ludhiana (respondent No.2), vide Notice Inviting E-Tenders dated August 29, 2024, invited bids for execution of four separate civil works. Similarly, vide another notice dated September 04, 2024, bids were invited for three other works. In response, the petitioner (Rajeev Enterprises) had submitted its bid qua six works, in response to the two tenders (*ibid*).

Learned counsel for the petitioner submits that the Executive Engineer, TIC, Municipal Corporation, Ludhiana (respondent No.4), vide communication dated October 16, 2024 (P-5), had sought clarification from the petitioner qua the complaint dated October 01, 2024 regarding discrepancies in the amount mentioned in the turnover certificate issued for the years 2020-21 and 2022-23 by its Chartered Accountant (Garg Madaan and Associates), on May 30, 2024 (Rs.1,64,06,219/- and Rs.87,55,215/- respectively). And, turnover certificate for the year 2020-21 and 2022-23, issued by the Chartered Accountant (Gagan Gupta and Company), on May 24, 2024 (Rs.156,48,989/- and Rs.65,33,121/- respectively). And, the turnover certificates, for the financial years 2023-24 and 2024-25, were sought from the petitioner within two days. It is submitted that the petitioner, in response thereto, submitted the necessary clarification on October 20, 2024 (P-8) and, the matter is pending consideration before the competent authority. However, it is urged that the Tender Evaluation Committee, vide order dated October 21, 2024 (the very next day), upon



evaluation of the technical bids submitted by the petitioner declared it non-responsive/non-compliant/ineligible. And, resultantly, the technical bids submitted by it, in response to both the notices inviting e-tenders, have since been rejected. He submits that the certificate issued by the Chartered Accountant on May 24, 2023, was on the basis of non-audited books of accounts, and the figures mentioned in the certificate dated May 30, 2024, were correct. He asserts that even if the position is taken as it is, it will not impact the bid capacity of the petitioner, for, even otherwise, it would be eligible. Hence, the decision of the Tender Evaluation Committee, disqualifying the petitioner, is apparently erroneous and unsustainable.

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, learned Additional Advocate General, Punjab, is present in Court on behalf of the respondents. At the outset, he submits that after technical evaluation, even the price bids have since been opened on October 27, 2024, and the tender process is in progress. Be that as it may, he submits that considering the issues that are sought to be raised by the petitioner, it would be expedient if the petition is disposed of, at this stage, to enable the respondent authorities to deal with its concerns/grievances, and pass appropriate orders, in accordance with law. He further submits that before any such orders are passed, the petitioner shall also be heard. And, a formal communication in this regard will be issued, well in advance. Further, as always, he fairly submits that, till a formal order is passed, though the tender process would continue, but the work shall not be assigned to the successful bidder. And, the matter being time sensitive, the competent authority shall make every possible endeavour to pass necessary orders, as expeditiously as possible, and at any rate, not later than three weeks from today.

Learned counsel for petitioners is agreeable to the course suggested by the learned State counsel and submits that let this 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 statement 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

25.10.2024
deepak

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