



CWP-29875-2024

-1-

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

CWP-29875-2024**Date of decision: 05.11.2024**

Vikram Singh

....Petitioner

Versus

The Punjab State Federation of Cooperative Sugar Mills Ltd.(Sugarfed)
and others

....Respondents

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

Present: Mr. Vishal Mehta, Advocate, for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner (Vikram Singh) has prayed for the following
substantive relief:-

*“Civil Writ Petition under Article 226 of the
Constitution of India for issuance of Writ of Certiorari
for quashing of the impugned proceedings dated
25.10.2024 (P-2) whereby the Technical bid of the
respondent No.3 was held responsive and his financial
bid was opened, by ignoring the fact that his bid
documents were not in conformity with the terms and
conditions of the DNIT, by the purchase Committee
headed by respondent no.2 in Malafide manner, which is
Arbitrary in nature and against the settled principles of
Law.*

And

*Further, praying for wring, order or direction for
staying the operation of the impugned proceedings dated
25.10.2024 (P-2) passed by purchased Committee headed
by respondent no.2 and direct the respondent no.2 not to
issue award letter in favour of the respondent no.3
during the pendency of the present Petition.”*

Learned counsel for the petitioner submits that vide Detailed
Notice Inviting Tender dated 06.10.2024 (P-1), respondent No.2 had
invited E-tenders for Sugar Bag Handling for Crushing Season 2024-25.



In response, the petitioner, along with other three participants, submitted its bids. And, of which, petitioner and private respondent No.3 (Parveen Kaur) were declared technically compliant/responsive. Whereafter, the financial bids were opened. Accordingly, for, the petitioner had submitted a bid of Rs.28,356/-, he was declared L2, and the private respondent, who had offered to execute the subject work at Rs.19071.60/- was adjudged L-1. However, he submits that per Rule 1 of the DNIT (page 16 of the paper book), a tenderer was required to possess work experience of, at least, two years of sugar mills or satisfactory experience of contractual work related to Palledari Labour (labour, unloading and staking) of FCI/Markfed/PUNSUP/Punjab Ware Housing Corporation or Punjab/Haryana/Centre or any of the State agencies. And, it was/is also mandatory to attach the Income Tax return, alongwith Form 26AS, for the experience period. But, apparently, respondent No.3 failed to append the Form 26AS with its technical bid, while submitting experience certificate dated 29.06.2022 (P-5), issued by Mawana Sugars Limited, District Meerut (Uttar Pradesh). Thus, he asserts that the private respondent ought not to have been declared compliant/eligible to participate in the tendering process. And, in the event, he is formally assigned the subject tender, it would entail serious complications/ramifications and would also impact the rights/interest of the petitioner. It is urged that, in this regard, the petitioner had even served the respondent authorities with a legal notice dated 26.10.2024 (P-7), but to no avail. Hence, this petition.

Learned counsel for the petitioner submits that, though the petitioner has served a copy of the petition upon the contesting respondents through e-mail, but none has chosen to appear on their behalf.

Thus, in the given circumstances and on the asking of the Court, Mr. Vipin Pal Yadav, learned Additional Advocate General, Punjab, present in Court, has caused appearance on behalf of respondents No.1 and 2. Accordingly, he submits, for the competent authority is alleged to be in seisin of the concerns/grievances of the petitioner, it would rather be expedient if the petition is disposed of, at this stage, to



enable the respondent authorities to consider and pass necessary orders on the legal notice (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the petitioner, as also the other stakeholders, 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 State counsel, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the matter being time sensitive, the authorities be directed to pass the necessary orders within a specified time.

In response, and to secure the interest of both the parties, learned State counsel submits that the competent authority would pass the appropriate orders within a period of two weeks from today. And, he shall communicate this order to respondents No.1 and 2, forthwith. Further, he, as always, fairly submits that till a formal decision, as indicated above, is reached, the work shall not be assigned to the successful bidder.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders, assigning reasons in support thereof, shall be passed within the time indicated by the learned State counsel.

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

05.11.2024/Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No