



CWP-30817-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-30817-2024Date of decision: 18.11.2024

A.K. Builders

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Rahul Verma, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner (A.K. Builders) has assailed the decision of the Municipal Corporation, Rewari (respondent No.5), vide which, its technically bid was rejected.

Learned counsel for the petitioner submits that vide tender notice dated 09.08.2024 (P-2), the respondent authorities had invited tenders for construction of CC road from Nagpal Sound Bawal Road (Govind Lal to JEE Advance) to Ghari Bolni Road (Mid Point of Virdhashram) Via Guru Chowk (JE Council Res. to Kamal Bhawan to Ajay Corner) in Ward No19 MC Rewari. Accordingly, the petitioner, along with other four tenderers, had submitted its bids. However, since only one tenderer was found to be technically responsive/compliant, the tendering process was scrapped. It is urged that the limited grievance that the petitioner has is: it was declared non-responsive/ineligible by the respondent authorities; ***“Three works has been allotted to M/s A.K. BUILDERS previously by MC Rewari. Out of these three works only two works were completed by agency after so many intimations and notices regarding completion of work. Even though works were not completed on time. Agency was also asked to repair Potholes occurred in the executed works through verbal and notices as the work was***



within the DLP. But agency neither corrected the work nor submitted satisfactory reply for the same. And third work was allotted to agency in August 2024, but agency has not started the work till date. So, by considering the conduct of the agency, bid of agency for this tender may be rejected....”. He submits that, in fact, the impugned decision was never notified/communicated to the petitioner, and it actually acquired knowledge thereof on 07.11.2024. But, in the meanwhile, the authorities issued a fresh tender qua the same works, vide tender notice dated 04.11.2024. However, he fairly concedes that the last date to submit the bid, in response to the fresh tender, was 18.11.2024 till 1:00 AM. And the petitioner chose not to participate in the said process. It is submitted that apparently, the reasons assigned by the respondent authorities to declare the petitioner ineligible are erroneous, as no such condition formed part of the eligibility criteria. Further, even if it is assumed that the petitioner, as indicated above, failed to execute the earlier works in time and the third work has not even been started, still the authorities, at best, could proceed against the petitioner, per the conditions of the contract, if so advised. But, at any rate, in the absence of any specific condition in the tender document dated 09.08.2024, the technical bid submitted by it, could not have been rejected, that too, without affording any notice or opportunity of hearing to the petitioner.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, and Mr. Ankur Mittal, Advocate, along with Ms. Kushaldeep Kaur, Advocate, and Ms. Saanvi Singla, Advocate, for the respondent-M.C. Rewari, are present in Court.

At the outset, learned counsel for the respondent-M.C. Rewari, vehemently disputes the claim of the petitioner. Be that as it may, he fairly submits that to secure the ends of justice, it would rather be expedient if the petition is disposed of, at this stage, to enable the competent authority to deal with the concerns/grievances that are sought to be raised in the petition, and pass necessary orders, in accordance with law. Further, before any such orders are passed, the authorized



representative(s) of the petitioner shall be heard, for which, a formal communication shall be issued to it, well in advance.

Learned counsel for the petitioner is in agreement with the course suggested by learned counsel for the respondents, 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 decide the matter within a specified time.

In response, learned counsel for the respondents submits that appropriate orders shall be passed within a period of two weeks 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, assigning reasons in support thereof, shall be passed within the time indicated by the learned counsel for the respondents.

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

18.11.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No