



CWP-31767-2024

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

CWP-31767-2024**Date of decision: 26.11.2024**

M/s V.S.B. Overseas

....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: Mr. Veneet Sharma, Advocate,
for the petitioner.

(Through Hybrid Mode)

ARUN PALLI, J. (Oral)

The petitioner (M/s V.S.B. Overseas), has prayed for the following substantive relief:-

“Civil Writ Petition under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of Certiorari for setting aside the action of the official respondents vide which the Technical Bid of the respondent No.7 has been illegally accepted and further vide which the respondent No.7 has been declared the Successful Bidder and further for the issuance of a writ in the nature of mandamus directing the official respondents to carry out fresh E-Tender.”

Learned counsel for the petitioner submits that Punjab State Grain Procurement Corporation Limited (respondent No.3), had invited bids for construction of covered godowns under PEG 10 years Scheme, in District SBS Nagar. In response, the petitioner, along with two other bidders, had participated in the tendering process. Whereafter, he submits, in furtherance of the process, the concerned officials of the



Department had inspected the site that was proposed by the petitioner on 09.09.2024. And accordingly, reports dated 10.09.2024 (P-6) and 11.09.2024 (P-7) were submitted to the competent authority. Whereas, the sites proposed by the Globus Warehouse and Trading Pvt. Ltd. as also respondent No.7 were never inspected. In this regard, the petitioner had even submitted its objections to the respondent authorities, through e-mail, on 04.11.2024 (P-12). But, despite that, the technical bids submitted by the bidders were evaluated, and the petitioner as also respondent No.7 were declared compliant/responsive. Accordingly, even the price bids were opened and respondent No.7 has since been adjudged L1. It is submitted, for, apparently respondent No.7 failed to meet the eligibility criteria, he ought to have been disqualified. So much so, on receipt of certain representations/complaints, the Deputy Manager (Storage), PUNGRAIN, vide communication dated 17.10.2024 (P-16), had required the District Manager, PUNGRAIN, SBS Nagar (respondent No.4), to furnish his comments, so that a formal decision, as regards eligibility of respondent No.7, could be taken, followed by necessary orders. It is urged that even the site offered by respondent No.7 is the subject matter of dispute in a pending suit, which has also been ignored by the authorities, while determining his eligibility.

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, learned Additional Advocate General, Punjab, for respondents No.1 and 6; Mr. Edward George, Advocate, for respondents No.3 and 4; and Mr. Anurag Chopra, Advocate, along with Mr. Alankar Narula, Advocate, and Ms. Himani Jamwal, Advocate, for respondent No.7, are present in Court.

At the outset, learned counsel for the respondents No. 3 and 4 submits, for the competent authority is already in seisin of the matter, pursuant to the complaints/representations submitted by the petitioner as regards the issue of ineligibility of respondent No.7, 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, 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. However, he, as always, fairly submits that till a formal decision, as indicated above, is reached, the works shall not be assigned to the successful bidder (respondent No.7).

Learned counsel for the petitioner is in agreement with the course suggested by learned counsel for respondents No.3 and 4, 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 do the needful, within a specified time.

In response, learned counsel for respondents No.3 and 4, submits that appropriate orders shall be passed within 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 shall be passed within the time indicated by learned counsel for respondents No.3 and 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 earlier, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

26.11.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No