



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 32058 of 2024

Date of decision: 28.11.2024

Ultraglow Profiles

.... Petitioner

Vs.

State of Punjab and others

.... Respondents

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

Present: Mr. Alok Jain, Advocate, for the petitioner.

ARUN PALLI, J (Oral)

Punjab State Grains Procurement Corporation Limited (PUNGRAIN) had invited bids for empanelment of FRK manufacturers for the supply of fortified rice kernels (FRKs) with three micronutrients (Iron, Folic Acid & Vitamin B12) in 25 kg bags during KMS 2024-25 to the rice millers of Punjab for the fortification of custom milled rice to be delivered to FCI under central pool.

Learned counsel for the petitioner submits that the petitioner, along with other participants, had submitted its bid. However, it was declared technically non-responsive/non-compliant, vide communication dated November 13, 2024 (P-23) as it had failed to deposit the earnest money along with its bid. It is submitted, for the communication (*ibid*) indicated that in case of any clarification or a feed back, the participants could move the Tender Inviting Authority, the petitioner invoked Clause 17 of the RFP (Dispute Resolution) as regards its concerns/grievances, but, the same was rejected. It is urged that apparently, rejection of the prayer of the petitioner in terms of Clause 17.1 and 17.2, is erroneous, as the same has been issued in complete ignorance of the clauses, referred to above. At any rate, he asserts that the petitioner (M/s Ultraglow Profiles) is registered with the Ministry of Micro, Small and Medium Enterprises and is also enlisted with the National Small Industries Corporation Limited. With reference to the compendium of MSME Policy and Incentive Schemes of Punjab (page

No.135-136 of the paper book), he submits that the Single Point Registration



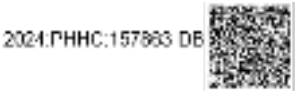
Scheme (SPRS) is a development scheme of National Small Industries Corporation (NSIC) to assist the MSEs in India and, therefore, the said industries are exempted from earnest money deposits in Government purchases. Thus, it is urged that the reasons assigned by the respondent authorities, to hold the petitioner non-compliant/non-responsive, is erroneous. Further, he submits that on November 20, 2024, the Managing Director of the respondent corporation has revoked the tendering process to the Technical Opening stage. And, since the process is still in progress, the authorities be directed to deal with the concerns/grievances of the petitioner, for which, he has already served them with the representation dated November 14, 2024 (P-24).

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, learned Additional Advocate General, Punjab, for respondents No.1 and 4, and Mr. Edward George Masih, Advocate, for respondents No.2 and 3 are present in Court. Although, learned counsel for the respondents vehemently dispute the claim of the petitioner and submit, for it had failed to deposit the earnest money, the authorities were choiceless but to declare it ineligible. But, it is submitted, for the competent authorities is alleged to be in seisin of the representation (*ibid*), it would be expedient if the petition is disposed of, at this stage, to enable the competent authority to deal therewith and pass appropriate orders, in accordance with law. He further submits that before any such orders are passed, the petitioner through its authorised representative, shall also be heard, for which a formal communication would be issued, well in advance.

Learned counsel for petitioner is agreeable to the course suggested by the learned counsel for the respondents and submits that let this petition be disposed of in terms of the statement made by them.

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 authorities shall look into the matter in the right earnest. And, as undertaken by the learned counsel for the respondents, the appropriate orders, assigning reasons in support thereof, shall be passed as expeditiously as possible.



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

28.11.2024
deepak

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