



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-34905-2024(O&M)
Date of decision: 20.12.2024

HS Storages ... Petitioner
Versus
State of Punjab and others ... Respondents

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

Present: Mr. Bikramjit Singh Patwalia, Advocate,
Ms. Nikita Garg, Mr. Gaurav Jagota, and
Mr. Abhishek Masih, Advocates,
for the petitioners.
(Through Hybrid Mode)
...

ARUN PALLI, J. (Oral)

The petitioner (HS Storages) has prayed for the following
substantive relief:

“Civil Writ Petition under Articles 226/227 of the
Constitution of India with a prayer that this Hon’ble
Court may be pleased to issue an appropriate writ,
order or direction, including a writ in the nature of
Certiorari quashing the action of the Respondents in
holding the technical bid of Respondent No.4 as
responsive and valid and thus declaring him L1 and
successful in a completely illegal manner as incorrect
details have been mentioned and the Private
Respondent has misrepresented in the technical
evaluation report submitted and thus the same being
contrary to the terms and conditions as mentioned in
the notice inviting tender dated 15.03.2024 (Annexure
P-2).

It is further prayed that this Hon’ble Court may be
pleased to issue a writ in the nature of Mandamus
directing the Respondents to declare the technical bid
submitted by Respondent No.4 as invalid and as a
consequence of the same to declare Respondent No.4
as invalid and as a consequence of the same to declare



Respondent No.4 as ineligible for further participation in pursuance to the notice inviting tender dated 15.03.2024 (Annexure P-2) and restraining the respondents for further evaluating the financial bid submitted by respondent no.4 and declaring the same as ineligible.

It is further prayed that this Hon'ble Court may be pleased to issue a writ in the nature of Mandamus directing the respondents to declare the petitioner as L1 and to further allot the tender/NIT in view of the fact that the Private Respondent has misrepresented regarding availability of land for the purpose of setting up of godowns by submitting incorrect documents and giving incorrect details of land."

Learned counsel for the petitioner submits that Punjab State Grain Procurement Corporation Limited had invited bids for construction of covered godowns under PEG 10 years Scheme, in various locations. In response, the petitioner, along with other bidders, had participated in the tendering process, for the location at Makhu (Ferozepur), under 30000 MT Capacity Category. It is alleged that the site(s) proposed by the Globus Warehouse and Trading Pvt. Ltd. (respondent No.4) was never inspected. Despite that, the technical bids submitted by the bidders were evaluated, and the petitioner as also respondent No.4 were declared compliant/responsive. Accordingly, the price bids were also opened and respondent No.4 has since been adjudged L1. It is submitted, for, apparently respondent No.4 failed to meet the eligibility criteria, it ought to have been disqualified. In this regard, even a complaint was made by the petitioner to the respondent-authorities on November 18, 2024 (P-6). Further, it is urged that the site offered by respondent No.4 has been falsely claimed to be under its ownership, though it does not belong to them. And, thus, is contrary to the eligibility criterion set under Clause 5(iii) of the NIT (P-2).

Served with the advance copy of the petition, Mr. Jastej Singh, learned Deputy Advocate General, Punjab, for respondent No.1-State and Mr. Edward George, Advocate, for respondent No.2-PUNGRAIN, are present in Court.



At the outset, learned counsel for respondent No.2 submits, for the competent authority is already in seisin of the matter, pursuant to the complaint/representation submitted by the petitioner as regards the issue of ineligibility of respondent No.4, 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.4).

Learned counsel for the petitioner is in agreement with the course suggested by learned counsel for respondent No.2, 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 respondent No.2 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 respondent No.2.

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

20.12.2024
Rajan