



CWP-7435-2025

(1)

**In the High Court of Punjab and Haryana at Chandigarh**

[149]

**CWP-7435-2025****Date of Decision: 25.03.2025**

M/S ARJUN YADAV AND COMPANY AND ANR ..... PETITIONERS  
VERSUS  
STATE OF PUNJAB AND OTHERS .....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**  
**HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr.Sunil Chadha, Sr. Advocate with  
Ms. Devyani Sharma, Advocate for the petitioner(s).

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. Sanjeev Sharma, Advocate for respondents No.2 and 3.

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**SURESHWAR THAKUR, J. (ORAL)**

1. The petitioners have filed the present writ petition seeking therebys the passing of a Mandamus, thus, directing the respondents to forthwith open their e-portal(<https://emandikaran-pb.in>), so as to allow/permit the petitioners to apply for the espoused enlistment Certificate, thus, in terms of instructions (Annexure P-9), appertaining to the issuance of an Enlistment Certificate, in terms of instructions for enlistment of contractors/firms under the Punjab State Agriculture Marketing Board (Marketing Branch), as applicable from 01.02.2025. Subsequently the petitioner seeks the making of a direction upon respondent No.2, to forthwith issue the Enlistment Certificate to the petitioners, so that they can participate in e-tender (Annexure P-8) issued/published on 11.03.2025, appertaining to the contract of collection of user charges at the New Vegetable market at Ludhiana, Dana Mandi Salem Tabri & Various Mandies falling under the Notified Area of Market Committee, Doraha, District Ludhiana.

2. For determinining the validity of the supra made espousals before this Court, it is most essential to extract hereinafter the relevant portions of the



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instructions regarding the enlistment of contractor/firms under the Punjab State Agriculture Marketing Board (Marketing Branch). The said instructions have been issued in respect of the Punjab State Agricultural Marketing Board.

***“PUNJAB STATE AGRICULTURAL MARKETING BOARD.***

***(Instructions regarding enlistment of Contractor Firms in PMB-Marketing Branch).***

1. ***Title:*** These instructions shall be called “instructions for Enlistment of Contractor Firms in Punjab State Agricultural Marketing Board, (Marketing Branch) 2025” and shall be applicable from 01.02.2025.

2. ***Definitions:*** For the purpose of these instructions for Enlistment of Contractor Firms in Punjab State Agricultural Marketing Board, Marketing Branch, 2025 (as amended from time to time unless the context otherwise requires):

(a) The ***Government Entity*** shall mean:

(i) any department of the Government of India or Government of Punjab or its attached or subordinate office; or

(ii) any public sector enterprise owned or controlled by the Government of India or Government of Punjab; or

(iii) any entity established or constituted by the constitution of India or an Act of Parliament or Act of the State Legislature, whose expenditure is met from the Consolidated Fund; or

(iv) any entity or board or corporation or authority or society or trust or commission or autonomous body (by whatever name called), established or constituted by a Government of India or Government of Punjab; or

(v) any entity that receives grant of financial aid out of the Consolidated Fund or retains any levy/user charges/fees etc. collected from the public after being authorized to do so by the Government of India or Government of Punjab and is owned or controlled or managed by the Government of India or Government of Punjab; or

(vi) any other entity that receives substantial financial assistance from the Government of India or Government of



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*Punjab.*

*(b) The "Firm" shall mean any Indian individual/proprietorship firm/other-association of Indian individuals/HUF/Partnership Firm registered by Registrar of Firms and Societies under the Indian Partnership Act-1932/Limited Liability Partnership Firm (registered under The Limited Liability Partnership Act, 2008)/Public Limited Company or a Private Limited Company (registered under the Indian Companies Act)/Society registered under The Punjab Co-operative Societies Act, 1961.*

*(c) The "Manager" shall mean director(s)/ partner(s)/ proprietor(s)/ associate(s)/ member(s) of managing committee/promoter(s) of the Firm (as the case may be).*

*(d) The "**Enlisted Firm**" shall mean the Firm issued with an Enlistment Certificate **(for Punjab Mandi Board Marketing Branch related works commenced for financial year 2025-26 & 2026-27)** under the Instructions for Enlistment of Contractor Firms in Punjab State Agricultural Marketing Board, Marketing Branch, 2025-26 & 2026-27 (as amended from time to time) by the Enlistment Authority of the Punjab Mandi Board Marketing Branch.*

*(e) The "**PMB-Marketing Branch Work(s)**" shall mean annual contract in the Mandis of the State of Punjab for:*

*(a) Seasonal Arrangements;*

*(b) User Charges for use of Mandi Infrastructure for vehicles, retail points of fruits, vegetables and eatables;*

*(c) Cleaning of Mandis;*

*(d) Arrangements for Apni Mandis.*

*(f) The "Department" shall mean Punjab State Agricultural Marketing Board ("**Punjab Mandi Board**").*

*(g) The Enlistment shall mean empanelment of a Firm by Enlistment Authority of Punjab Mandi Board acting through its Marketing Branch ("**PMB-Marketing Branch**"). **For Punjab Mandi Board Marketing Branch works commenced for 2025-26 & 2026-27, a fresh enlistment which is valid for the works of financial year 2025-26 & 2026-27 must be required.***



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*(h) The “PAN” shall mean Personal Account Number issued by the Income Tax Authorities, Government of India.*

*(i) The “sales tax number” shall mean the Sales Tax Number issued by the concerned department of Government of Punjab.*

*(j) The “Tender” shall mean an offer submitted by an Enlisted Firm to the Punjab Mandi Board/Market Committees in response to a notice inviting tender for executing a work.”*

3. Readings of Clause (d) of the instructions supra, clause whereof becomes extracted hereinabove, reveals that as a pre-requisite for any firm/person making participation in any bids floated by the Punjab State Agricultural Marketing Board, or by any of its ancillaries, thereupon, the enlistment of the said firm/person is imperative.

4. The word “firm” has been defined in 2(b) of the said instructions, definition whereof become extracted hereinabove.

5. Moreover, readings of the statutory meaning assigned to the coinage enlistment reveals, that the purpose of the enlistment, thus is to purvey a leverage to the partnership firm/person, to participate in the invitations to offer as becoming floated by the Marketing Committees, thus, functioning under the Punjab State Agricultural Marketing Board, and the term of the Enlistment Certificate is upto a period of two years since its issuance.

6. Be that as it may, the present petitioners become aggrieved from the rendition of Annexure R2/5.

7. It is but candidly forthcoming from a reading of the contents borne in Annexure R2/5, that thereby the said request of the present petitioner, became declined. The relevant contents of the said Annexure R-2/5 become extracted hereinafter:-

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*“Subject:-Regarding enlistment of marketing works of Punjab Mandi Board.*

*With reference to subject cited above, you had filed Civil writ Petition No.6714 of 2025 (O&M) in the Hon'ble Punjab and Haryana High Court with a prayer for enlistment of your firm. The Hon'ble High Court has disposed off your petition on 10-3-2025 with directions to the Punjab Mandi Board to take decision in this regard.*

*In this regard, it is informed that Punjab Mandi Board enlists Contractors for various works related to marketing committees of Punjab Mandi Board. Enlistment is done. This year time for enrollment was from 01-01-2025 to 16-02-2025. In this regard, Punjab Mandi Board had issued/published public notices through various newspapers giving information. By not getting enlistment done by your firm during the relevant period, and submitting application for enlistment late on 28-02-2025 much after lapse of enlistment period your request was not accepted and has been rejected. This letter is being issued after taking approval from the competent authority.*

*This is being sent to you for your information.”*

8. Readings of the supra extracted contents of Annexure R-2/5 unfolds that the opening of the window created, by the respondent(s) concerned, for thereby the aspirants seeking the apposite enlistment, thus for theirs being well leveraged to participate in the bidding process engaged by the concerned, rather becoming closed.

9. The said closure is argued by the learned counsel for the petitioners to ill-impinge upon the fundamental right of the present petitioners, to practice, their avowed, business and profession, as the duration of the enlistment when becomes stated in the definition assigned to enlistment, thus to last upto a period of two years. Resultantly, unless the window created for the relevant purpose, was not closed, or if the window as created become(s) permitted to remain ever open, thereupon, only the right of the apposite

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participation(s) conferred upon the present petitioners, thus would remain well protected.

10. On the other hand, on the closure of the window, or of the avenue for enlistment, thereby, the fundamental right of the present petitioners to participate in the bidding process, thus would become ill foreclosed.

11. The learned counsel(s) for the respondents have been unable to purvey, any valid or tangible explanation in respect of the closure of the window.

12. Consequently, for wants of any apposite valid and tangible explanation becoming purveyed to this Court by the learned counsel for the respondents, besides when Annexure R-2/5 is also extremely cryptic. Moreover when the same *ex-facie*, ill impinge upon the fundamental right of the present petitioners to practice their business and profession. As such Annexure R-2/5 is quashed and set aside, and the respondents concerned, are also directed to keep the relevant window open, so that thereby, all the aspirants become facilitated, to thus espouse for the apposite enlistments, so that thereby rather no jeopardy accrues to the fundamental right(s) of any of the enlisted firms to participate in the bidding process.

13. Moreover, in the face of the above, the present petitioners are permitted to participate in the ongoing bidding process, as it is submitted today before this Court by the learned counsel concerned, that last date for submission of the bid(s) is extended upto 02.04.2025, but prior thereto, since the enlistment is required, thereby, the enlistment window, if not opened, be forthwith opened, and, if the present petitioners are found fit, they be enlisted.



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14. The instant writ petition is accordingly disposed of along with all pending application(s), if any.

(SURESHWAR THAKUR)  
JUDGE

(VIKAS SURI)  
JUDGE

25.03.2025

|       |                           |   |        |
|-------|---------------------------|---|--------|
| Anjal | Whether speaking/reasoned | : | Yes/No |
|       | Whether reportable        | : | Yes/No |