

(103) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6778-2023

Date of Decision:03.04.2023

M/s Jitender Kumar and Company

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Ravi Chadha, Advocate for the petitioner.

Mr. Raman Sharma, Addl. A.G. Haryana.

ANIL KSHETARPAL, J. (Oral)

1. On 31.03.2023, the following order was passed:

“Learned counsel representing the petitioner while referring to communication dated 24.03.2023 sent by the District Food, Civil Supplies & Consumer Affairs Controller, Kaithal to Director General, Food Civil Supplies & Consumer Affairs department submitted that the official website of the department for uploading the necessary documents pursuant to E-tender notice dated 20.03.2023 was not working due to a technical error for some time, during the window given to the bidders to upload the relevant documents and it resulted in depriving an opportunity to the petitioner to fulfill the conditions laid down for the allotment.

Learned State counsel submits that the process of financial bid submitted by various other bidders has been finalized and the matter is required to be closed today itself.

This Court heard the learned counsel representing the parties and have considered the matter.

Before taking any final decision it would be appropriate to grant one more opportunity to the State to come forward with the sufficient explanation, if any. Till then, the respondents will not finalize the contract.

List this matter on 03.04.2023.”

2. Mr. Sharma, the learned State counsel has filed the written statement

admitting that the official website meant for upholding the requisite documents was not working between 7:00 a.m to 9:00 a.m on 24.03.2023 which was the last date for uploading the documents. He further admits that, as of now, the lowest tenderer has not been awarded any contract nor they have signed the agreement.

3. It is evident that the aforesaid contracts are meant for the Mandi Labour and Mandi Transport. As per the present circumstances the agricultural season is going to be in a full swing within a short time. Any further delay is going to harm the interest of the farmers who are due to bring their harvest for selling in the market. It is not in dispute that the website was non functional for the crucial two hours. The petitioner applied for 11 contracts out of total 22 contracts. Due to such technical error, the petitioner has been deprived of the opportunity to upload his financial bids.

4. It has been brought to the notice of this Court that though the petitioner submitted 11 separate bids for the award of different contracts, however, in respect 9 separate tenders financial bids were finalised. It has also been brought to the notice of the Court that remaining two contracts were awarded in the separate subsequent bid proceedings.

5. In view of the aforesaid facts and discussion, the writ petition is allowed and the finalization of the contract qua these 9 bids is set aside. The respondents are directed to take further steps forthwith.

(ANIL KSHETARPAL)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

03.04.2023

rajeev

Whether speaking/reasoned Yes/No

Whether reportable Yes/No