



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

CWP No.7404 of 2025 (O&M)

Date of Decision :03.04.2025

M/s Gaanesh Kartikey Constructions Pvt. Ltd.

.....Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE ARUN PALLI
HON'BLE MRS.JUSTICE SUDEEPTI SHARMA**

Present : Mr. Sanjeev Sharma, Sr. Advocate with
Mr. Sandeep Singh, Advocate for the petitioner.

Mr. Sartaj Singh Gill, Sr. DAG, Punjab.

Mr. Ankur Mittal, Advocate,
Ms. Kushaldeep Kaur, Advocate,
Mr. Siddhanth Arora, Advocate,
Ms. Saanvi Singla, Advocate and
Ms. Sharvi Dadhwal, Advocate for respondents No.2 and 3.

Mr. V.K.Jindal, Sr. Advocate with
Mr. Abhishek Shukla, Advocate and
Mr. Vijayveer Singh, Advocate for respondent No.4.

ARUN PALLI, J. (Oral):

The Municipal Corporation, Amritsar, had invited tender for construction of roads and widening in the area of center, south and west constituency along with signages, thermoplastic and cat eyes. In response, the petitioner (M/s Gaanesh Kartikey Constructions Pvt. Ltd.), alongwith other participants, had submitted its bid. However, the Technical Evaluation Committee under the Chairmanship of the Commissioner, Municipal Corporation, Amritsar (respondent No.2), vide order dated 11.03.2025 (P2), disqualified the petitioner being non-responsive. It is not in dispute either that



price bids have also been opened on 13.03.2025 and respondent No.4 (Sharma Contractor Private Limited) has since been adjudged L1, for it had submitted a bid of Rs.47,63,01,328.46/-.

The records show that the Co-ordinate Bench on 17.03.2025, while issuing notice, had directed the parties to maintain status quo. Therefore, it is not disputed that respondent No.4 has not been issued the work order. A bare analysis of the impugned order dated 11.03.2025 shows that the petitioner was held non-compliant, for it failed to meet the tender condition No.4.3 (B) (b).

At the outset, learned Senior counsel for the petitioner has drawn our attention to **clause 22.3 (i to iv)** of the tender document and submits that the said provisions clearly postulate that in the event of any discrepancy/confusion or if any clarification is necessary, the authorities are required to ask the tenderer in writing (usually within 10 days of opening of the Technical Bid) to clarify or modify his technical bid, with respect to any rectifiable defects. And, post response, if any, in terms of **clause (iii and iv)**, list of responsive bidders has to be finalized. However, he asserts that, in the matter at hand, concededly, the authorities failed to adhere to the provisions, referred to above, more particularly, considering the reasons, assigned by the respondents, to disqualify the petitioner.

In fact, with reference to the averments, set out in the petition, as also the documents appended therewith, it is submitted that petitioner meet all the eligibility conditions in the tender document. And, therefore, if the clarification, as indicated in **clause 22.3(2)** was sought, the petitioner would have demonstrated that it was compliant/responsive.



Separate written statements on behalf of the respondents have since been submitted.

However, after we had heard the matter at some length, learned counsel for the respective parties have reached a consensus that given the issues that arise for determination by this Court, it would rather be expedient, if the question regarding eligibility of the petitioner, in terms of the tender conditions be re-examined by the respondents-authorities. Particularly, as submitted by learned counsel for the respondents-Corporation, that while passing the impugned order dated 11.03.2025, certain crucial aspects, which ought to have been factored in, were not taken into account. Accordingly, it is submitted that the impugned order dated 11.03.2025, be deemed to have been withdrawn/recalled qua the petitioner, to enable the competent authority to re-visit the matter in issue and pass orders afresh. And before any such order is passed, not only the petitioner, but even the private respondent(s) shall be heard. Accordingly, it is agreed that the petitioner as also respondent No.4, shall appear through their respective representative(s) before the Commissioner Municipal Corporation, Amritsar, on 16.04.2025 at 11.00 A.M. Whereupon, the necessary exercise would be carried out. And a comprehensive order, dealing with concerns/grievances of the petitioner as also respondent No.4, shall be passed, assigning reasons in support thereof. Further, till any formal decision, as indicated above, is reached, the interim order passed by this Court on 17.03.2025, shall continue to operate. And, in the event, while examining the eligibility/technical bid of the petitioner, the authorities find that, for some other reasons/grounds, another tender condition, which never formed basis of the impugned rejection, the petitioner is ineligible



or non-responsive, it would be granted opportunity to submit objections or respond thereto. And, in that eventuality, the matter being time sensitive, the petitioner shall be issued notice, at the earliest.

In the wake of the above, we are not required to delve any further into the merits and the petition is, accordingly, disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the respondents-authorities shall look into the matter in the right earnest. And, appropriate orders, in accordance with law, shall be passed at the earliest.

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 above, the competent authority shall examine the claim/grievance of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

03.04.2025

Manoj Bhutani

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