



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-5354-2025 (O&M)

Date of Decision: 27.03.2025

M/s Chaman Lal and Sons

....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: Mr. Sanjeev Sharma, Senior Advocate with
Mr. Dheeraj Mahajan, Advocate and
Mr. Nimish Gautam, Advocate
for the petitioner.

Mr. Maninder Singh, Sr. Deputy Advocate General, Punjab
for respondents No.1 and 2.

Mr. D.V.Sharma, Senior Advocate with
Mr. Sanjeev Soni, Advocate and
Ms. Shivani Sharma, Advocate
for respondents No.3 and 4.

Sureshwar Thakur, J. (Oral)

1. The present petitioner becomes aggrieved from the passing of impugned order Annexure P-11, whereby the online floated invitations to offer (Annexure P-1) dated 02.02.2024, became recalled or became cancelled.
2. Moreover, the present petitioner also becomes aggrieved from passing of Annexure P-12, whereby the respondents invited responses from the bidders concerned, *qua* the freshly online floated invitations to offer.
3. The fulcrum of the entire *lis* becomes embodied in the fact, as



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displayed in the hereinafter extracted table, which is a part of Annexure P-5, qua despite the financial bid of M/s Chaman Lal and Sons, the petitioner herein, becoming declared to be suitable, whether yet subsequently the technical bid of the present petitioner becoming recommended to be rejected, and which ultimately became decided/rejected through Annexure P-7, thus is to be foisted with an aura of validity.

X X X X

Sr. No.	Name of Bidder	Eligible/Not Eligible
1	M/s Sharma Contractors Pvt. Ltd.	Eligible
2	M/s Ganesh Kartikey Construction Private Limited	Not Eligible
3	M/s Force Construction Private Limited	Not Eligible
4	M/s ChamamLal and Sons	Eligible

X X X X

4. Furthermore though, the learned counsel for the petitioner argues that since the technical bid of the present petitioner also became accepted through the passing of Annexure P-5, that whether therebys, there was any permissibility of review thereof being made, as has been done, through the passing of Annexure R-3/3 and Annexure P-7.

5. The jurisdictional competence of the reviewing authority, to make a review of Annexure P-5 through the passing of Annexure R-3/3 and Annexure P-7, thus is to be adjudged.

6. The cornerstone for making an assessment of the jurisdictional competence of the authorities, which rather drew Annexure R-3/3 and Annexure P-7, inasmuch as, theirs therebys purportedly reviewing Annexure P-5, thus becomes hinged, on making a purposeful interpretation of the apposite



standard operating clause, clauses whereof become extracted hereinafter:

X X X X

- “vi) *In some ULBs there is a frenzy of activity to indiscriminately prepare and approve estimates surpassing the Budgeted provisions of funds for Development and maintenance, for either frivolous activities or in 2nd and 3rd stage priority proposals. In worst cases, the proposals are initiated in collusion with contractors to buy and install equipment nearing obsolescence resulting in completely infructuous expenditure. Such actions should be totally avoided and proper care should be taken that the total value of the estimate prepared/administratively approved should not be more than budgeted provisions kept for development/maintenance of the procurement. The detailed guidelines issued by the Government vide letter No.128/A1-GB-DLG-2015(Misc)/15475-668 dated 15.04.15 shall be strictly adhered to.*
- vii) *The photography/videography of the site for which the estimate is being prepared, should be placed in the estimate file.*
- viii) *After the estimate has been prepared, the same shall be got technically sanctioned from the competent technical authority as under:*

Sr. No.	Officer competent to accord Technical sanction	Amount upto which the Technical sanction can be accorded
1	Junior Engineer	2 Lacs
2	Assistant Municipal Engineer/Assistant Corporation Engineer/Assistant Trust Engineer	Above 2 lacs upto Rs.25 lacs
3	Municipal Engineer/Corporation Engineer/ Trust Engineer	Above Rs.25 lacs upto Rs.50 lacs
4	Superintending Engineer	Above Rs.50 lacs upto Rs.1 crore



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5	Chief Engineers	Above Rs.1 crore
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Note: For estimates above 5 Crore, a committee of 3 Chief Engineers shall accord Technical sanction to such estimates.

ix) All ULBs shall maintain an Estimate History Register in following format. This Register shall be maintained calender year wise and estimate number shall be given as 01/2018, 02/2018 and so on. The estimate number shall for part of the administrative approval as well.”

X X X X

7. It is not disputed amongst the counsels appearing today before this Court, that the value of the subject tender was above Rs.5 crores. Therefore, it has to be adjudged whether the acceptance of the technical bid of the present petitioner by the Commissioner, Municipal Corporation, Amritsar, was within the ambit of the supra extracted clause, as becomes embodied in the relevant portion of the standard operating procedure.

8. Eminently since, the effect of their being no dispute today before this Court, that the value of the subject tender was above Rs.5 crores, therebys, the competence to thus, respectively make the apposite technical evaluations or to grant the technical sanction, rather especially *qua* the said uncontroverted value of the subject works, thus becoming respectively vested in three Chief Engineers. However, the technical bid of the present petitioner became accepted through Annexure P-5 by the Commissioner, Municipal Corporation, Amritsar, who but obviously did not have the jurisdictional competence to declare the petitioner’s bid to be technically fit.

9. If so, the subsequent reviewing of the said decision by the competent authorities concerned, does not suffer from any legal fallibility.



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Furthermore, also the effect of the above, is that, the order cancelling the initiated tendering process, also does not also suffer from any legal infirmity

10. As a result thereof, the instant writ petition lacks in merit and as such is dismissed, along with all pending applications, if any.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

March 27, 2025

Varinder

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No