



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

**CWP No. 5247 of 2025(O&M)
Date of Decision: 02.09.2025.**

M/s Pankaj Printers

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Lekhraj Sharma, Advocate
for petitioner.

Mr. Sukhdeep Parmar, Addl. AG., Haryana
for respondents No.1, 2 and 4.

Mr. Ankur Mittal, Advocate
Mr. Shivendra Swaroop, Advocate
Ms. Kushaldeep Kaur, Advocate
for respondent No.3.

Mr. Sushil Kumar Verma, Advocate
for respondent No.5 (through video conferencing).

LISA GILL, J.

1. Prayer in this writ petition is for setting aside order dated 11.02.2025, passed in compliance of order dated 18.07.2024 in CWP-16511-2024. Vide said speaking order dated 11.02.2025, work order dated 15.03.2024 allotted to petitioner for Construction, Operation and Maintenance of modern direction signage and Welcome Gate on Design Build, Finance, Operate and Transfer (DBFOT) basis against rights of

display advertisement for a period of 20 years in the district of Sirsa has been cancelled.

2. Brief facts necessary for adjudication of the matter are that Request for Proposal (RFP) was issued for “Construction, Operation and Maintenance of Modern Direction and Signage and Welcome Gate on Design, Build, Finance, Operate and Transfer (DBFOT) basis against display advertisement” for a period of 20 years in the District of Sirsa. Bids were to be submitted from 01.03.2024 till 07.03.2024. Another tender was issued on the same day for construction of “New Bus Queue Shelter on Design, Build, Finance, Operate and Transfer basis against rights for display advertisement. Petitioner was declared the successful bidder/tenderer for the welcome gate and work order dated 15.03.2024, Annexure P-5, was issued in its favour. One M/s Futek Digital Connect Private Limited was declared H-1 for Bus Queue Shelter and work order was issued in its favour for a period of 20 years.

3. CWP No. 16511 of 2024 was filed by certain entities with the contention that they could not participate in the tendering process as period for submission of bids was inadequate and tender was invited in violation of Clause 3 of Haryana Municipal Advertisement Bye-laws, 2022, whereby right of Outdoor Media Display (OMD) could be granted only for 03 years. Said writ petition was disposed of on 18.07.2024 with a direction to the competent authority to consider the pending representation. Consequent to granting opportunity of hearing and in compliance of order dated 18.07.2024, order dated 12.09.2024 was passed, whereby work-orders issued in favour of present petitioner as well as M/s Futek Digital Connect Private Limited were cancelled.

4. Petitioner filed CWP No. 26458 of 2024 challenging order dated 15.10.2024 on the ground that opportunity of hearing was not granted to it. CWP No. 26458 of 2024 was disposed of on 15.10.2024 upon a statement made by learned counsel for respondents that order dated 12.09.2024 shall be deemed to have been withdrawn and a fresh order shall be passed after affording opportunity of hearing to all concerned. Consequent thereto, impugned order dated 14.02.2025 was passed after affording opportunity of hearing to all concerned. Work-orders dated 15.03.2024 were cancelled on the following grounds:-

- “1. RFP was issued without any approval of the government even though as per policy for public private partnership approval of the government is required.
2. Only seven days were given to submit that bid which is against the prescribed norms.
3. RFPs and work orders have been issued in contravention of Haryana Municipal Advertisement Bye-laws, 2022.
4. No records were produced by Executive Officer, MC Sirsa as regards the parameters of sites to ensure safety of public at large.”

5. Disciplinary action was also initiated against officials of MC, Sirsa for violating the Public Private Partnership Policy and Haryana Municipal Advertisement Bye-laws, 2022.

6. Aggrieved therefrom, this writ petition has been filed.

7. Learned counsel for petitioner vehemently argues that impugned order has been passed without advertence to relevant provisions of law, which are applicable and has been passed in an illegal and arbitrary manner. It is argued that action has been taken by respondent on the basis of objections raised by a person who was not even a party to the tender process.

Petitioner is being punished for no fault of his own. Petitioner was made to believe that contract was under Public Private Partnership Policy, for a period of 20 years. In case, he had known that tender is only for a period of three years, which may be extended for another two years, he may not have participated. He has been put to prejudice for no fault on his part. Furthermore, in case any incorrect action has been taken by Municipal Officials that cannot be the responsibility of petitioner and he should not be made to bear the brunt of it. It is further contended that petitioner had also submitted a request that work order can be considered for a period of three years extendable to five years but this request has also not been accepted by authorities in an illegal manner. It is thus prayed that this writ petition be allowed.

8. Learned counsel for respondents have opposed this writ petition while submitting that in view of the clear-cut illegalities committed in issuance of tenders on 01.03.2024, the same have correctly cancelled. Action is also being taken against the erring officials. It is thus prayed that present writ petition be dismissed.

9. We have heard learned counsel for the parties and have perused the file with their able assistance.

10. Award of work order to petitioner on 15.03.2024 is a matter of record as is its cancellation on 14.02.2025. It is a matter of record that institutional frame-work as well as project identification and approval process at the level of Government of Haryana in which various departments of the State are involved in examination and process of approval is specifically detailed in Clause 7 and 8 of the Policy for Public Private Partnership (Annexure P-18). The provisions i.e., Clause 7 and 8 are not

being reproduced for the sake of brevity and are available in the Public Private Partnership Policy attached as Annexure P-18 with the writ petition. It is further to be noted that Clause 3 of Haryana Municipal Advertisement Bye-laws, 2022 provides for a three (03) year period validity for which permission to display OMD is allowed. Clause 3 of the Haryana Municipal Advertisement Bye-laws, 2022 reproduced as hereunder:-

“3. (1) The bye-laws shall permit different types of OMDs to be displayed within municipal limits. The typologies of OMDs are defined in Annexure 5.

(2) The following shall be the criteria for period of validity for which permission to display OMD shall be allowed, namely:

- (i) Type A: three years; between the concerned Government entity and the registered entity or upto five years, in case the Government entity requests so;
- (ii) Type B and Type C: three years (with advance quarterly payments);
- (iii) Type D: As specified in Clause 12 of Schedule-I;
- (iv) Type E: As specified on case to case basis;
- (v) Type F: self-advertisement: no restriction for advertisements if within the permissible limits set out in Schedule I;
- (vi) Type G: As specified on case to case basis, three years (with advance quarterly payments);
- (vii) Type H: three years (with advance quarterly payments); (viii) Type I: three years (with advance quarterly payments);

(3) All approvals for OMDs of the type and time period as specified shall be reckoned from the 1st day of the month succeeding the month in which approval is granted up to the last day of the month in which the period limit ends.

(4) All existing permitted OMDs shall have to comply with

these bye-laws within fourteen days from the date of notification and no grace period shall be given. All OMDs not in compliance shall be treated as illegal and Municipality shall take appropriate action as per bye- law 22.”

11. Clause 12 of the Haryana Municipal Advertisement Bye-laws, 2022 provides the procedure for process of applications/bids for advertising. It is further a matter of record that tender was invited with the date of submission of tenders being 01.03.2024 till 07.03.2024 only, thereby affording only 07 days to prospective bidders which is admittedly against the prescribed norms of 21 days. Methodology of Municipal Council Sirsa for calculating and estimating reserve price of the tenders was also found to be incorrect by the Authorities. It also came on record that Executive Officer, Municipal Council Sirsa did not place on record efforts which may have been made by Municipal Council to examine parameters of the site on spot being in tune with provisions of the Haryana Municipal Advertisement Bye-laws, 2022 to ensure safety of public at large and to ensure that movement of vehicles in such vicinity would not be affected adversely in case such advertisement was displayed at the site.

12. It is further to be noted that concerned officials namely Sh. Surender Beniwal, District Municipal Commissioner, Sirsa, Sh. Attar Singh, Executive Officer, Sh. Vickey, Executive Engineer, Sh. Rahul, Junior Engineer (HKRN), Sh. Parveen, Junior Engineer, who it was found had not followed the procedure and provisions of the Policy of Public Private Partnership and provisions of the Haryana Municipal Advertisement Bye-laws, 2022 while floating the tenders/RFP in question are being proceeded against in accordance with law for negligence, misleading conduct and failure to act in accordance with the established instructions.

13. It is relevant to note at this stage that it has been held in a catena of judgments passed by Hon'ble the Supreme Court as well as this High Court that judicial review of matters relating to tenders or award of contract has to be within very narrow confines. It has been held that evaluating tenders and awarding contracts are essentially commercial functions and principles of equity and natural justice stay at a distance if decision relating to award of contract is bona fide and in public interest; Court in exercise of judicial review would not interfere even if there is a procedural aberration or error in assessment or prejudice to a tenderer is made out. Gainful reference in this regard can be made to judgment of the Hon'ble the Supreme Court in **Jagdish Mandal Vs. State of Orissa and others, 2007(14) SCC 517**. In the case of **M/s Michigan Rubber (I) Limited Vs. State of Karnataka and others, 2012 (8) SCC 216**, it has been held as under:-

“23. From the above decisions, the following principles emerge:

(a) The basic requirement of Article 14 is fairness in action by the State, and non-arbitrariness in essence and substance is the heartbeat of fair play. These actions are amenable to the judicial review only to the extent that the State must act validly for a discernible reason and not whimsically for any ulterior purpose. If the State acts within the bounds of reasonableness, it would be legitimate to take into consideration the national priorities;

(b) Fixation of a value of the tender is entirely within the purview of the executive and the courts hardly have any role to play in this process except for striking down such action of the executive as is proved to be arbitrary or unreasonable. If the Government acts in conformity with certain healthy standards and norms such as awarding of contracts by inviting tenders, in those circumstances, the interference by courts is very limited;

(c) In the matter of formulating conditions of a tender

document and awarding a contract, greater latitude is required to be conceded to the State authorities unless the action of the tendering authority is found to be malicious and a misuse of its statutory powers, interference by courts is not warranted;

(d) Certain preconditions or qualifications for tenders have to be laid down to ensure that the contractor has the capacity and the resources to successfully execute the work; and

(e) If the State or its instrumentalities act reasonably, fairly and in public interest in awarding contract, here again, interference by court is very restrictive since no person can claim a fundamental right to carry on business with the Government.”

14. Hon'ble the Supreme Court in a recent judgment rendered in **The Principal Chief Conservator of Forest and others Vs. Suresh Mathew and others, S.L.P(C) Nos. 12353-12355 of 2021, decided on 25.04.2025**, has reiterated its earlier judgments including the one in **Tata Cellular Vs. Union of India, (1994)6, SCC 651**.

15. In the present case, learned counsel for petitioner has been unable to point out any arbitrariness or illegality in the action of respondent in cancelling the tender in question.

16. Learned counsel for petitioner at this stage, raised an argument that work orders of identical nature had been allotted by MC, Panckula and Rohtak, but the same have not been cancelled, whereas in the present case prompt action has been taken. Apart from the fact that petitioner cannot claim negative discrimination, it is to be noticed that learned counsel for respondents have categorically stated that Director General Urban Local Bodies has been directed to inquire into the matter relating to similar RFPs in MC, Panchkula and Rohtak. Show cause notices have been issued to Commissioner MC, Rohtak, Commissioner MC, Panchkula. Therefore, this

argument of perceived discrimination is of no avail to petitioner and is accordingly rejected.

17. Keeping in view the facts and circumstances as above, we do not find any ground to cause interference in this matter.

18. Writ petition is accordingly dismissed. However, before parting with this decision we direct that necessary action in respect to RFPs/work orders as mentioned in the foregoing paras issued by MC, Panchkula and Rohtak be examined and necessary action as may be required be taken in accordance with law in a time bound manner and preferably within a period of four weeks of receipt of certified copy of this order. Pending application(s), if any, stand(s) disposed of accordingly.

**(LISA GILL)
JUDGE**

**(MEENAKSHI I. MEHTA)
JUDGE**

September 02, 2025.

s.khan

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No