

(2010) 09 P&H CK 0273

High Court Of Punjab And Haryana At Chandigarh

Case No: C.W.P. No. 16356 of 2010

Sophisticated Industrial Material
Analytic Labs Pvt. Ltd.

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: Sept. 13, 2010

Hon'ble Judges: Ajay Kumar Mittal, J; Adarsh Kumar Goel, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

Adarsh Kumar Goel, J.

This petition seeks quashing of order dated 6.9.2010, Annexure P-5, passed by the Chairman, Tender Processing Committee-cum-Superintending Engineer, Punjab Water Supply & Sanitation Circle, Faridkot, respondent No. 2, rejecting the bid of the petitioner submitted in pursuance of Tender Notice, Annexure P-1, for installation of Sewerage Treatment Plant at Muktsar on turn key basis.

2. One of the conditions of the Tender was that the bidder should have satisfactorily completed at least one plant of the capacity mentioned therein in the last five years. The petitioner claimed to be eligible and relied upon installation of a plant at Noida. This claim, however, was not found to be acceptable, after due opportunity to the petitioner. In the impugned order, it was observed:

...The representative of the firm explained that due to non availability of the raw sewage, the abovesaid plant could not be completed. The Tender Processing Committee is of the view that due to non functioning of STP this plant cannot be said to be "satisfactorily completed". The firm has no other plant on MBBR Technology which satisfies the NIT conditions, hence it is decided not to open the price bid of M/s SIMA Labs.

3. We have heard learned Counsel for the petitioner.

4. Learned Counsel for the petitioner submitted that the Tender Processing Committee had no jurisdiction to go into the merits and that as per Certificate, Annexure P-6, the petitioner had satisfactorily completed the plant.

5. We are unable to accept the submission. In the observations noted above, the representative of the petitioner himself admitted that the work could not be completed for want of raw sewage. In absence of non-functioning, the Tender Processing Committee was not satisfied with the project. It is well settled that in the matter of awarding of contract, free play in joints has to be allowed and interference is permissible only if any illegality, irrationality or procedural irregularities is found. Reference may be made to judgment of the Hon'ble Supreme Court in Tata Cellular Vs. Union of India, .

6. In view of above, no ground is made out to interfere with the rejection of the bid of the petitioner.

7. The petition is dismissed.