

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

EMG-WP (C) No. 03 /2020

EMG-CM No. 02/2020

(Through Video Conferencing)

Swarn Singh

.....Petitioner(s)

Through: Mr. Pranav Kohli, Advocate.

Vs.

Union Territory of J&K & Ors

.....Respondent(s)

Through:

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR

ORDER

The short grievance projected by the petitioner in this petition is that, the respondents have illegally and arbitrarily rejected his technical bid on the ground that he does not possess the requisite experience as stipulated in Clause 2(5) of Section 1 (Scope of work and special conditions of Contract). It is contended that despite the petitioner having served a legal notice, the specific reasons for rejection of his technical bid have not been communicated to him. The petitioner thus submits that he has reasons to believe that his technical bid has been rejected solely on the ground that he does not possess rich experience of providing the similar type of vehicles with the Police Department though he has such experience with other Government Departments and autonomous institutions. Referring to Clause 2(5) supra, it is urged that the clause, if understood in the manner the respondents are interpreting, it would create monopoly in favour of the bidders/contractors who are already working or have worked previously with the Police Department. It is the further contention of the petitioner that the word,

'AND' existing in between the words, State Police Department and others, is required to be given purposive interpretation and, in that, it should be read and understood as "OR".

Considered the submissions made by the learned counsel for the petitioner.

In view of the above, notice returnable within two weeks.

Notice in CM also returnable within the same period.

Dasti notice is also permitted.

Ad interim, it is provided that the respondents shall be free to open the price bids but, in that, they shall open the price bid of the petitioner as well provided the technical bid of the petitioner has been rejected on the ground that, though he possesses the requisite experience of handling the similar contracts with other Government Departments or Government Institutions, but lacks the similar experience of working with the Police Department. The opening of the price bids, it may be clarified, shall be provisional and any action to be taken pursuant thereto shall await further orders from this Court.

List on 20.04.2020.

Learned counsel for the petitioner submits that he may not be able to get the certified copy of this order because of the prevailing situation and, therefore, requests that a copy of this order be directed to be supplied to him under the seal and signature of the Secretary. Ordered accordingly.

(Sanjeev Kumar)
Judge

Jammu,
03.04.2020
Anil Raina, JR/Secy