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**(2010) 09 P&H CK 0112**

**In the Punjab And Haryana At Chandigarh**

**Case No :** C.W.P. No's. 11070, 11072, 11083 and 11186 of 2010 (O and M)

Dilbir Singh

APPELLANT

Vs

Pepsu Road Transport Corporation and Others

RESPONDENT

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**Date of Decision :** 15-09-2010

**Acts Referred:**

**Citation :** (2010) 09 P&H CK 0112

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

**Bench :** Division Bench

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**Judgement**

Adarsh Kumar Goel, J.—This order will dispose of CWP Nos. 11070, 11072, 11083 and 11186 of 2010, as common questions are involved in all the petitions.

2. In CWP No. 11070 of 2010, prayer is for direction to accept the bid of the petitioner submitted in pursuance of advertisement dated 15.6.2010, Annexure P-2, for hiring of buses.

3. Case of the petitioner is that he paid the requisite amount and obtained application form. He also prepared bank draft of Rs. 50,000/- and was eligible for participation in the tender process. He personally approached the office of the Pepsu Road Transport Corporation, respondent No. 1, but his application was not received on the ground that excess applications had been received and as per directions of the higher authorities of the Corporation, no other application could be received. In support of the stand that applications were not being received on the said ground, reliance has been placed on advertisement dated 18.6.2010, Annexure P-6, to the effect that upto 17.6.2010 adequate number of applications having been received, hiring of buses in the scheme will be on "First come and First Get" basis.

4. In reply to the notice, stand taken by the respondents is that the petitioner never submitted his application upto 3-00 p.m. on 17.6.2010 and could not object to procedure of "first come first served" adopted after 17.6.2010.

5. We have heard learned Counsel for the parties and perused the record.

6. It is clear from advertisement, Annexure P-2, that last date for submitting the application was upto 18.6.2010 and it has not been denied that even upto the last date, the petitioner could submit his application. Advertisement dated 18.6.2010, Annexure P-6, clearly shows that the respondents adopted the procedure of "First come and First Get" and also clearly stated that the office will not receive any tender on 18.6.2010, which was contrary to the declaration in the original notice, Annexure P-2 This action of the respondents, thus, clearly amount to debarring eligible persons from consideration and deviating from declared procedure of receiving bids. It is well settled that level playing field cannot be denied to eligible persons. Only ground on which a person can be denied participation in tender process is either ineligibility or not being competitive or on some other relevant ground. Reference may be made to judgments of the Hon'ble Supreme Court in Ramana Dayaram Shetty Vs. International Airport Authority of India and Others, and Reliance Energy Limited and Another Vs. Maharashtra State Road Development Corporation Ltd. and Others, .

7. Accordingly, we allow these petitions and direct the respondents to consider the bids of the petitioners in accordance with advertisement, Annexure P-2. Since the petitioners were not allowed to submit their bids, they will be at liberty to do so within one week from today. It is made clear that if respondents have already finalised hiring of buses after filing of these petitions, the same will be reviewed after giving due opportunity to the concerned persons. The respondents may finalise the matter within one month from today.

8. A photocopy of this order be placed on the files of each connected case.