

Himachal Pradesh
Public Works Department
NO.PW.LC-CWP NO.1303/2016-

3115-3265 Dated:-19-8-16

To

1. The Engineer-In-Chief
Design & Quality Control
HP.PWD.Shimla.1
2. All the Chief Engineers
In HP.PWD.
3. All the Superintending Engineers
In HP.PWD. including National Highway,
Mechanical and Electrical.
4. All the Executive Engineers
In HP.PWD.including National Highway,
Mechanical and Electrical.

Subject: - CWP No.1303/2016- titled as Puran Chand Bhardwaj V/s
State of HP and others.

PH
NOTED
31/8/16
The subject cited writ petition involving the issue of
conditions contained in the tender documents for inviting offers of contractor(s)
i.e. Technical Qualification Criteria (TQC) to qualify for bidding the contract was
listed before the Hon'ble High Court on 08.08.2016 when after hearing the
matter the Hon'ble Court has been pleased to dismiss the writ petition with
findings in operative paras as under:-

35. It would be seen that the petitioner admittedly
not having minimum annual average turnover during last three years
ending 31st March of the previous financial year 30% of the estimated
value of present work and had not done minimum two similar works
each of the amount not less than 30% of the estimated cost or one
similar work of the amount not less than 50% (without Liquidated
Damage or compensation) in last five years and therefore he was not
eligible to participate in the said tender process.

36. In view of what has been discussed
hereinabove, the inescapable conclusion is that the conditions
imposed by the respondents in the tender document (Annexure P-6),
inviting offers of the interested contractors are legal, just, reasonable
and within the confines of legitimacy. The petition, being devoid of
merits, deserves dismissal and is accordingly dismissed. However, in

(2)
view of peculiar facts and circumstances of the case, the parties are left to bear their own costs.

37. In view of the above, the petition stands disposed of, as also pending application(s), if any."

Detailed copy of this judgement may also be down loaded from the website of Hon'ble High Court of H.P. for kind perusal and taking further necessary action on identical issue matter if cropped up in future by apprising all the members of tender opening committee.

Encl: Nil

Engineer-In-Chief
HP.PWD. Nirman
Bhawan Shimla-2

Copy forwarded for information and necessary action to:-

1. The Additional Chief Secretary (PW) to the Govt. of H.P.
2. The Joint Controller (CTR) in this office.
3. Superintendent, I.T. Section with a request to place this letter alongwith copy of judgement on deptt. website for kind perusal and necessary action of all officers.

Engineer-In-Chief
HP.PWD. Nirman
Bhawan Shimla-2