

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.

*PR*  
*NOCTD*  
*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:-

*22/8/16*  
*On hand*  
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