

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

ON THE 30th DAY OF OCTOBER, 2021

BEFORE

HON'BLE MR. JUSTICE TARLOK SINGH CHAUHAN

&

HON'BLE MS. JUSTICE JYOTSNA REWAL DUA

CIVIL WRIT PETITION NO. 6789 OF 2021

Between:-

NARESH KUMAR SON OF SH.
SUNDER LAL RESIDENT OF
VILLAGE AND POST OFFICE
RAIPUR SAHORAN, DISTRICT
UNA, H.P.

...PETITIONER

(BY SH. DEVENDER K. SHARMA,
ADVOCATE)

AND

1. HIMACHAL STATE ELECTRICITY BOARD LIMITED THROUGH ITS EXECUTIVE DIRECTOR (PERSONNEL) VIDYUT BHAWAN, SHIMLA-4
2. SUPERINTENDING ENGINEER PLANNING CIRCLE (CIVIL) HPSEB LTD. MANDI.
3. THE COMMITTEE CONSTITUTED VIDE OFFICE ORDER NO. HPSEBL/SEPC/DB-469/2021-943 DATED 4.9.2021 FOR OPENING TECHNICAL BIDS AS WELL AS FINANCIAL BIDS THROUGH ITS CHAIRPERSON NAMELY ER. SURESH KUMAR SUPERINTENDING ENGINEER.
4. SH. MITTERPAL THAKUR SON OF SH. KRISHAN LAL THAKUR, RESIDENT OF NEAR NHPC GAS STOVE VILLAGE AND POST

**OFFICE BANIKHET, TEHSIL
DALHOUSIE, DISTRICT
CHAMBA, H.P.**

...RESPONDENTS

**(SH. VIKRANT THAKUR,
ADVOCATE).**

*This Petition coming on for Notice on this day, **Hon'ble Mr. Justice Tarlok Singh Chauhan**, passed the following:-*

O R D E R

This writ petition has been filed by Naresh Kumar, aggrieved by the fact that even though he was qualified in technical bid alongwith respondent No.4-Mitterpal Thakur, but the work is proposed to be awarded to respondent No.4, who has been found to be L-1.

2. It is contended that the bid of the petitioner is slightly higher than respondent No.4, but the respondent-HPSEBL cannot treat respondent No.4 as qualified because he neither has the requisite past experience, in terms of Clause A nor fulfills the equipment capability as required under Clause D of the Notice Inviting Tender under the captioned minimum eligibility criteria for prequalification of Techno-Commercial Bids.

3. Learned counsel for the petitioner submitted that so far the respondent-HPSEBL has not issued letter of acceptance. If that be so, the petitioner is required to approach respondent No.2- Superintending Engineer, Planning Circle (Civil), HPSEB Ltd. Mandi, immediately alongwith a copy of this order, who shall

examine the objections of the petitioner and decide the same by a speaking order, preferably before issuance of letter of acceptance to respondent No.4, after affording an opportunity of being heard to him.

4. With the aforesaid observations, the writ petition is disposed of, so also pending application(s), if any.

(Tarlok Singh Chauhan)
Judge

(Jyotsna Rewal Dua)
Judge

30th October, 2021 (sanjeev)