

Say sorry, pay Rs 10L fine to firm for rejecting bid, HC tells JDC

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JAIPUR: In a first-of-its kind order, the Rajasthan high court on Tuesday has directed the Jaipur development commissioner (JDC) to send an apology letter and pay Rs 10 lakh to an engineering firm for illegally and wrongfully rejecting its bid for selection of an independent engineer for the ring road project.

The judgment was passed by a division bench headed by chief justice Sunil Ambwani. The appellant, S A Infrastructure Consultants Pvt. Ltd, had moved the court after its bid submitted to JDA for selection of an independent engineer for the ring road project was rejected. The JDA relied on bogus documents by a complainant and debarred the engineering firm from participating in its bidding processes for six months. The firm's security amount submitted with the bid was also forfeited.

After hearing the appellant firm and the JDA, the division bench noted: "We are of the confident view that a deliberate attempt was made to remove the appellant (firm) from competing and participating in the international bidding for engaging an independent engineer, and it may be possible that a convenient independent engineer has been appointed by JDA, in league with the Concessionaire."

As such, the court ordered that the entire security bid of Rs 35,60,000 forfeited by the JDA should be returned to the firm with compound interest calculated at the rate 12% per annum within a period of one month.

To find out the irregularities, the court further directed the chief secretary to appoint an enquiry committee, headed by an officer rank of principal secretary of an impeccable reputation, to inquire into the irregularity and submit a report to high court's registrar general within three months. "A larger enquiry should be made to find out whether the selection of an engineer was made in fair and transparent manner and which had no connection with the Concessionaire," the judgment read. The ring road project is worth Rs 890 crores.

The firm's counsel, former additional advocate general R P Singh argued before the division bench that the JDA acted on the basis of a pseudonymous complaint filed by one Sanjay Pandey, whose identity and address were found bogus.

The JDA issued a request of proposal (RFP) inviting the proposals for engaging an independent engineering firm in July 2011 on the basis of the international competitive bidding. The petitioner company filed its bid which could not be finalized. The JDA issued a revised tender vide request of proposal on November 2011. The last date for submission of bids was extended to January 1, 2012.