

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.19255 of 2013
Date of Decision: 10.08.2015

M/s Khalsa Traders

. . . .Petitioner

Versus

Union of India and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.S.K. Arora, Advocate,
for the petitioner.

Mr.Prateek Gupta, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner-firm was registered as an approved ASC Contractor with Headquarter Northern Command of the Army on 19.12.2007 which was valid upto 11.12.2012. The petitioner-firm was allotted registration No.MGASC/NC/B-187 and is taking up the supply of perishable and other required items of ration for consumption by troops. The petitioner is required to get it re-verified after every five years as provided in para No.17 of the Government of India, Ministry of Defence letter No.PC/Raksha/63060/Q/ST5/3633/D (QS) dated 26.09.2006. It is for re-verification as approved ASC Contractors with Headquarter Western Command as per the procedure prescribed in para 17 referred to above and was advised to deposit/pledge an FDR of ₹2,40,000/-. The petitioner deposited/pledged one FDR of

₹2,40,000/- on 7.8.2012 in favour of respondent No.4 as a refundable fee for the purpose of registration and also mortgaged house of the proprietor of the firm worth ₹52,96,000/- situated at Gobind Nagri, Ferozepur City in favour of respondent No.4 for fixing the contract carrying capacity. The respondents, thereafter, published the list of approved contractors for the period 2013 in which name of the petitioner was conspicuously absent. The petitioner-firm visited the Headquarter XI Crops and was informed by DDST XI Crops that instructions has been received by the Headquarter Western Command that the petitioner-firm is not registered as an approved ASC Contractor. The petitioner-firm requested respondent No.4, vide an application dated 5.1.2013, to return the original mortgage deed and release of FDR. However, respondent No.4 informed the petitioner vide impugned letter dated 3.6.2013 that the documents of the firm have been retained till the decision on the outcome of the case for banning which is under process at Integrated Headquarters of Ministry of Defence (Army).

It is submitted by learned counsel for the petitioner that the said letter (Annexure P-6) is of June, 2013 and more than two years have been passed, but the respondents have not taken any decision whatsoever.

Faced with this situation, learned counsel appearing on behalf of the respondents has prayed for time to seek instructions.

Learned counsel for the petitioner, however, submits that instead of granting time to the respondents, this writ petition may be disposed of, at this stage, with a direction to the respondents to take a decision as contemplated by them and mentioned in para No.5 of the impugned order/letter dated 3.6.2013 and the

respondents may be bound down to take a decision within some prescribed time.

The prayer made by learned counsel for the petitioner has been found to be totally innocuous and, therefore, the present petition is hereby disposed of at this stage directing the respondents much less the concerned authority to take a decision in regard to re-verification of the document of the firm/petitioner retained by it from the last two years, within a period of one month from the date of receipt of certified copy of this order and in case, the documents, namely, original mortgage deed and FDR, are ordered to be returned, the same be returned to the petitioner within 15 days thereafter.

Within these observations, the present petition is hereby disposed of.

10.08.2015

Vivek

(RAKESH KUMAR JAIN)
JUDGE