

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No. 10293 of 2016

Date of decision: 03.11.2016

M/s Balaji Transport Co., Bahadurgarh

..Petitioner

Vs.

**Hry. State Federation of Consumers Coop.
Wholesale Stores & Anr.**

...Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. Dhiraj Chawla, Advocate for the petitioner.

Mr. Vishal Garg, Advocate for the respondents.

AJAY KUMAR MITTAL, J.(ORAL)

Petitioner has approached this Court under Article 226 of the Constitution of India seeking quashing of the impugned order dated 27.04.2016 (Annexure P-15) passed by respondent No. 2 whereby the transportation contract of food grains for blocks Gurgaon and Pataudi has again been cancelled, security forfeited and blacklisted for future contracts on the same grounds on which the earlier impugned order dated 28.10.2015, (Annexure P-9) was passed and later on quashed by this Court vide order dated 21.01.2016 (Annexure P-12) while relying upon the earlier decision dated 14.12.2015 (Annexure P-11).

2. The primary grievance of the petitioner is that despite the directions issued by this Court vide order dated 21.01.2016 (Annexure P-12), whereby the respondents were required to pass a speaking order, they have not passed a

speaking order. Reference was made to the following observations made therein:-

“The District Manager (DM) confed shall take a fresh decision whether or not to terminate the contract and/or to forfeit the security money and/or to blacklist the petitioners after considering the facts and circumstances of this case and after affording the petitioners an opportunity of being heard. The petitioners shall be at liberty to submit bids pursuant to the tenders invited by the respondents. In the event of the petitioners bids being accepted, the same shall be subject to the further proceedings in the show cause notice which may be issued by the respondents. This in turn will be subject to the respondents issuing a show cause notice on or before 07.02.2016. In such proceeding the petitioners shall not seek any adjournment”

3. A perusal of the impugned order shows that the respondents have not given any reasons for declining the claim made by the petitioner and in such a situation the order is non-speaking and is, thus, in violation of the principles of natural justice. On the aforesaid premise, learned counsel for the respondents sought time to seek instructions whether the respondents are ready to pass fresh speaking order after hearing the petitioner in accordance with law.

4. Today Mr. Vishal Garg, Advocate submitted that impugned order dated 27.04.2016 (Annexure P-15) be set aside and liberty be granted to the respondents to pass a fresh speaking order after hearing the petitioner in accordance with law.

5. Learned counsel for the petitioner submitted that since the matter is pending for such a long time, a time bound direction be issued to the respondents to pass the speaking order.

6. In view of the above, the impugned order dated 27.04.2016 (Annexure P-15) is set aside. However, respondent No. 2 is directed to pass a speaking order afresh in accordance with law after hearing the petitioner within a

period of one month from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

03.11. 2016
Poonam (II)

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No