

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

Sr. No.201

**CWP No.16735 of 2016
Date of decision: 27.08.2016**

M/s Sunder Marketing Associates, Prashant Vihar, Delhi

....Petitioner

versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK SIBAL**

* * * *

Present:- Mr. Puneet Bali, Senior Advocate with
Mr. Vaibhav Jain, Advocate
for the petitioner.

Mr. Lokesh Singhal, Addl.A.G., Haryana
for respondents No.1 to 4.

Mr. Naveen S. Bhardwaj, Advocate
for respondent No.5.

* * * *

S.J. VAZIFDAR, CHIEF JUSTICE (ORAL)

Although the order dated 09.08.2016 (Annexure P-16) concludes by affording the petitioner an opportunity to appear in person or through any authorized representative, to file a reply in writing on or before 23.08.2016, the petitioner apprehends that the decision has already been taken to withdraw with immediate effect the permission granted to transfer the mining lease/share of 51% of M/s Karamjeet Singh & Company Limited in favour of the petitioner who holds the 49% share in the joint venture.

2. Learned counsel appearing on behalf of respondent No.1-State clarifies that what is stated in the paragraph No.11 in the impugned notice is

only a prima facie view on the basis whereof the action proposed is referred to and the final decision would be taken only after the authority considers the petitioner's response thereto.

3. In view thereof, it is not necessary for us to interfere with the impugned notice at this stage. The petitioner must in the first instance avail the opportunity and file a response to the same.

4. However, it must be noted that one Ved Pal Tawar had filed CWP No.9419 of 2016 challenging the permission which was granted in favour of the petitioner and which is now proposed to be withdrawn as stated in the impugned notice. The petitioner in CWP No.9419 of 2016 inter alia contends that the permission could not have been granted as it would also effect the eligibility condition stipulated in the notice inviting tenders. We had by an order dated 13.05.2016 issued notice and thereafter by an order dated 17.08.2016 issued fresh notice to respondent No.5 therein. It would be appropriate, therefore, for the official respondents to hear the petitioner in CWP No.9419 of 2016 also before passing a final order in respect of the impugned notice.

5. The petitioner shall be entitled to file a further response to the impugned notice latest by 02.09.2016. The official respondents shall consider the petition in CWP No.9419 of 2016, to be the response of those petitioners during the course of the hearing. Copies of any replies or documents relied upon by the petitioners in both the writ petitions shall be served upon each other. The final order, if adverse to the petitioner, shall not be implemented for a period of two weeks after the service thereof upon the petitioner.

6. All the parties be present in the office of the Director General,

Mines and Geology, Haryana, at 11.00 a.m. on 05.09.2016 and thereafter, as directed by the Director General, Mines and Geology, Haryana. The petitioners in both the petitions shall not seek an adjournment on any ground.

7. Disposed of.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(DEEPAK SIBAL)
JUDGE

August 27, 2016
Jyoti 1

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No