IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26605 of 2015
Date of decision : 21.1.2016.

M/s Balaji Transport Company, Bahadurgarh

.....Petitioner

Versus

Haryana State Federation of Consumers Cooperative Wholesale Stores (Confed) and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI

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

Mr. Lokesh Sinhal, Addl. A.G. Haryana.

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

The case of the petitioners is similar to Civil Writ Petition No.24593 of 2015, which was disposed of vide order and judgment dated 14.12.2015, to which the petitioners, namely, M/s Balaji Transport Company was also a party. This petition is also, therefore, liable to be disposed of in the same terms. There is however, an additional factor in this case. The petitioners were not even served a show cause notice.

There is also an additional factor in this matter. The impugned order in so far as it blacklists the petitioners prevents them from submitting bids throughout the State of Haryana. The tenders have already been invited for Gurgaon and Jhajjar Districts. The bids are to be submitted by 28.01.2016 and 2.2.2016 respectively. It is possible that the show cause notice when issued will not be decided by then. The petitioners cannot be prejudiced on that ground. We therefore, intend permitting the petitioners

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to submit bids which, however, shall be subject to the result of the proceedings pursuant to the show cause notice which the respondents may issue.

In the circumstances, the ends of justice would be met by disposing of this petition by the following order:-

i) The impugned order is set aside.

ii) 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 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.

iii) The petitioner is always at liberty to challenge the order if it is adverse to it.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

21.1.2016
Manoj Bhutani

(ARUN PALLI)
JUDGE

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