

CWP No.8763 of 2016

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

CWP No.8763 of 2016
Date of decision: 10.11.2016

M/s C.S.N.K. Enterprises Ambala City

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: - Mr. R.P.S. Ahluwalia, Advocate, for the petitioner.
Mr. Sandeep Moudgil, Addl. A.G., Haryana.
Mr. Deepak Manchanda, Advocate, for respondents No.2 and 3.
Mr. Surinder Gandhi, Advocate, for respondent No.4.
Mr. R.S. Budhwar, Advocate, for respondent No.5.

AJAY KUMAR MITTAL, J. (ORAL)

Status report by way of affidavit of Dr. Arvind Balyan, Executive Officer, Municipal Corporation, Ambala, filed in Court today, is taken on record. A copy thereof has been supplied to the counsel opposite. Office to tag the same at the appropriate place.

2. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of *certiorari* for quashing the order dated 29.04.2016 (Annexure P-11) vide which work order has been given to respondent No.5 by respondent No.2 and also for quashing the order dated 04.04.2016 (Annexure P-7) passed by respondent No.1.

3. In compliance of order dated 18.10.2016, Sh. Surinder Singh, the then Commissioner, Municipal Commissioner, Municipal Corporation, Ambala, is present in Court.

4. Learned counsel for respondents No.2 to 4 stated that validity of

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the tender by virtue of which the work was allotted to the petitioner commenced from 01.03.2014, was renewed from time to time and the same had expired on 30.04.2016. It was submitted that thereafter the work was allotted to respondent No.5, who is carrying on the work till date. It was pointed out that in view of the State policy, an advertisement has been issued on 30.10.2016 whereby the persons, who are willing to work with the Municipal Corporation, are entitled to apply directly instead of through tender process. It was urged that in view thereof no further action survives and accordingly the writ petition may be disposed of as infructuous. However, it was stated that respondent No.5 who had been carrying on the work w.e.f. 01.05.2016 shall not be allowed after 15.11.2016 but since payments could not be made to respondent No.5 earlier due to the pendency of this writ petition, the order for release of the same be passed.

5. Accordingly, the petition is disposed of as infructuous. Needless to say that in terms of the statement made today, the amount may be released to respondent No.5, however, liberty is granted to the petitioner to take recourse to the remedies, as may be available to it in accordance with law, in case any other grievance subsists.

(AJAY KUMAR MITTAL)
JUDGE

November 10, 2016
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No