

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-17714-2017

Date of Decision: 10.8.2017

M/s Bansal Bus Service, Bathinda

....Petitioner.

Versus

Bharat Sanchar Nigam Limited, New Delhi and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE AMIT RAWAL.**

PRESENT: Mr. Lekh Raj Sharma, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for setting aside the order dated 2.8.2017 (Annexure P-6) vide which the agreement entered into between the petitioner and respondent No.3 has been cancelled. Further, a writ of mandamus has been sought directing the respondents to abide by the terms and conditions of the agreement and allow the petitioner to execute the remaining work. A direction has also been sought to respondent No.1 to clear the pending bills of the petitioner.

2. Respondent No.1 vide tender document dated 25.4.2016 (Annexure P-1) invited e-tenders for hiring of the vehicles for the field and headquarter duties of Ludhiana of SSA. The last date of submission of tender was 26.5.2016. In response thereto, the petitioner applied for the

same and was allotted the tender being the lowest bidder. An agreement dated 22.10.2016 (Annexure P-2) was executed between the petitioner and respondent No.3 for a period of one year from 1.11.2016 to 31.10.2017. The petitioner provided total 14 vehicles. A letter dated 9.3.2017 was allegedly sent to the petitioner which was never received by it. Another letter dated 8.6.2017 (Annexure P-3) was sent to the petitioner for non-availability of vehicles. The petitioner gave reply dated 13.6.2017 (Annexure P-4) to the said letter. Subsequently, a letter dated 3.7.2017 was sent to the petitioner which was duly replied vide reply dated 4.7.2017 (Annexure P-5). However, respondent No.3 vide order dated 2.8.2017 (Annexure P-6) cancelled the agreement dated 22.10.2016 (Annexure P-2). Accordingly, the petitioner moved a representation dated 2.8.2017 (Annexure P-7) to respondent No.3 against the termination of the agreement, but to no effect. Previously, the petitioner filed the complaints dated 23.6.2016 and 9.6.2016 (Annexures P-8 and P-9, respectively). However, no action has so far been taken thereon. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 2.8.2017 (Annexure P-7) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representation dated 2.8.2017 (Annexure P-7), in accordance with law by passing a speaking order and after affording an

opportunity of hearing to the petitioner within a period of fifteen days from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 10, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No