

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20383-2018

Date of Decision: August 23, 2018

Dinesh Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE.
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

Present: Mr. Vivek Sharma, Advocate,
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

KRISHNA MURARI, C.J. (ORAL)

When the matter was taken up on 16.08.2018, following order
was passed:-

“ It is contended that the petitioner is a registered contractor. Order impugned in this petition is an order blacklisting him for two years said to have been passed by Tender Allotment Committee. Learned counsel for the petitioner contends that in pursuance to notice issued, the hearing was being undertaken by District Controller, Food and Civil Supplies and when he went on the date, the matter was heard by Accounts Officer and the order has been passed by Tender Allotment Committee.

If the facts urged are correct, then on the basis of it not only the order, but the entire proceedings are without jurisdiction.

Notice of motion.

Mr. Avinit Avasthi, learned Assistant Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondents and prays for a short adjournment to seek instructions in the matter.

Adjourned to 23.08.2018.

To be shown in the urgent list.”

Learned counsel appearing for the State of Punjab has not been able to dispute the fact that no adequate opportunity was afforded to the petitioner before passing the impugned order.

However, from a perusal of the impugned order itself, we find that despite information through e-mail, notices and various other modes, the petitioner never appeared before the Tender Allotment Committee. The petitioner is only trying to take advantage of a technical flaw that adequate opportunity was not provided to him.

We consider it fit and proper in the facts and circumstances to provide the petitioner a post decisional hearing by the Tender Allotment Committee. In such circumstance we dispose of the writ petition by providing that the petitioner shall appear before the Tender Allotment Committee on 05.09.2018. The Committee after hearing the petitioner shall pass orders accordingly and the fate of the dispute shall abide by the orders so passed by the Tender Allotment Committee after hearing.

We are making it clear that opportunity of post decisional hearing has been provided to the petitioner only on the technical ground that no adequate opportunity was provided, otherwise we have neither

entered into nor are commenting upon the merits of the orders impugned in this writ petition.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

August 23, 2018
Pkapoor

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO