

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-2170-2018

Date of Decision: 1.02.2018

M/s Harmanpreet Singh Aneja

....Petitioner.

Versus

Haryana State Electronics Development Corporation Limited and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

PRESENT: Mr. Vaibhav Sehgal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ 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 quashing the order dated 15.12.2017 (Annexure P-9) passed by respondent No.2 terminating the work order awarded in its favour and forfeiting the performance security of ₹ 40,000/-.

2. Respondent No.1 vide tender document dated 4.4.2017 (Annexure P-1) floated tenders for hiring of vehicles for office use. In response thereto, the petitioner submitted its bid which was accepted by the respondents. The petitioner vide letter dated 16.5.2017 (Annexure P-2) furnished a bank guarantee dated 15.5.2017 (Annexure P-3) in terms and conditions of the tender document. The petitioner vide letter dated 2.6.2017 (Annexure P-5) informed respondent No.2 that it had signed the agreement

dated 1.6.2017 (Annexure P-4) but as respondent No.2 was not available, the agreement could not be signed by respondent No.2 and made a request to send the agreement after signatures of respondent No.2. A show cause notice dated 9.10.2017 (Annexure P-6) was issued to the petitioner for non-compliance of the terms and conditions of the tender document, Annexure P-1. The petitioner submitted a reply to the said show cause notice. Thereafter, respondent No.1 through respondent No.2 sent a final show cause notice dated 14.11.2017 (Annexure P-7) stating that there were certain discrepancies in the reply dated 11.10.2017 and certain allegations were also levelled with regard to the conduct of the drivers. The petitioner filed reply dated 22.11.2017 (Annexure P-8) to the said show cause notice, Annexure P-7 by stating that the vehicle bearing registration No. HR-68P-7490 is of 2015 make but the same was purchased and registered in the year 2016 as is discernible from Form No. 47 (Annexure P-11). However, respondent No.2 vide order dated 15.12.2017 (Annexure P-9) cancelled the work order of the petitioner. The petitioner moved a complaint dated 19.12.2017 (Annexure P-10) to the Chairman, Haryana State Electronics Development Corporation Limited, Panchkula. Accordingly, the petitioner sent a representation dated 23.12.2017 (Annexure P-12) to respondent No.1 against the termination of work order, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 23.12.2017 (Annexure P-12) to respondent No.1, 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.1 to take a decision on the representation dated 23.12.2017 (Annexure P-12), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one week from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

February 1, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes