

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

**CWP No.28580 of 2018
Date of decision: 28.08.2019**

**M/s Brothers and Co. Village
Chack Suhalewala, Fazilka**

..Petitioner

Versus

State of Punjab and others

..Respondents

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Ramanpreet Singh Bara, Advocate
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab
for the respondent -State.

Daya Chaudhary, J.

The prayer in the present writ petition is for quashing of orders dated 09.03.2018 (Annexure P-9), whereby the petitioner has been asked to deposit the outstanding amount for the period, which is after the cancellation of contract of the petitioner. A further prayer has also been made for quashing of order dated 30.12.2014 (Annexure P-6), whereby respondent-Department has cancelled the contract in an illegal and arbitrary manner. At the end, a prayer has also been made for issuance of direction to respondents to refund the amount after adjusting the amount of minor minerals sold as directions already issued vide order dated 26.02.2016.

Learned counsel for the petitioner at the very outset submits that one similarly situated person, namely, Ragbir Singh, filed CWP

No.14571 of 2018, which was disposed of vide order dated 09.07.2019 with a direction to the respondent-State to consider the claim of the petitioner in view of observations made by the Division Bench vide order dated 26.02.2016 and impugned order was set aside. Learned counsel for the petitioner also submits that the petitioner would be satisfied in case, the same directions are issued by this Court.

Learned State counsel submits that a speaking order has been passed by giving specific reasons but he has also not disputed the factum of disposal of the writ petition filed by Raghbir Singh.

Heard arguments of learned counsel for the parties and we have also perused the documents available on the file.

By considering the submissions made by learned counsel for the parties and in view of the order passed in CWP No.14571 of 2018, the present writ petition is disposed of with a direction to the respondent-State to consider the claim of the petitioner in reference to observations made by the Division Bench vide order dated 26.02.2016 in CWP No.26769 of 2014 and necessary order be passed after giving an opportunity of hearing to the petitioner. However, the petitioner is also directed to cooperate at the time of consideration of his claim.

Accordingly, the impugned orders dated 09.03.2018 (Annexure P-9) and 30.12.2014 (Annexure P-6) are set aside. Respondents are directed to reconsider the case of the petitioner within a period of two months from the date of receipt of certified copy of this order. In case, the petitioner wants to make any representation, the same be filed within a period of one week. The respondents are also directed to give a notice in writing to the

petitioner for appearance.

(DAYA CHAUDHARY)
JUDGE

28.08.2019
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes