

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

CWP-9043-2020 (O&M)

Date of Decision: 10.07.2020

Deepak Singla

...Petitioner

Versus

Municipal Corporation, Bathinda and another

...Respondent

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Aditya Grover, Advocate for the petitioner.

Mr. Sanjeev Soni, Advocate for the respondents.

JASWANT SINGH, J. (ORAL)

Heard through video conferencing.

The instant petition has been filed for quashing of the order dated 27.05.2020 (P-1) passed by respondent No.2, whereby petitioner/sole proprietorship concerned has been debarred from participating in any future tender work; as also forfeiture of the earnest money upon cancellation of the previous contract.

On the previous date, i.e., 02.07.2020, following order was passed by this Court:-

“Heard through video conferencing.

By referring to order dated 12.03.2020 (P-5) passed by this Court at the instance of unsuccessful bidders, the petitioner was constrained from investing crores of rupees in the project. The grievance is not only against the forfeiture of the earnest money but also against debarring him from future participation in the tenders without providing any opportunity of hearing or considering the impact of the prevailing circumstances as well as the pending litigation.

Notice of motion for 10.07.2020.

Notice re: stay.

Dasti as well.

The petitioner is at liberty to serve the respondents through electronic media as also through panel Advocate appearing in this Court.”

In response, a short reply by way of affidavit dated 09.07.2020 of Sandeep Gupta, Superintendent Engineer, Municipal Corporation, Bathinda has been filed, and *inter alia* para 9 of the same reads as under:-

“That the matter has been reconsidered by the Municipal Corporation, Bathinda and it is decided that in the interest of natural justice an opportunity of hearing be given to the petitioner before passing any order therefore, at this stage the order dated 27.05.2020 (P-1) is withdrawn with liberty to pass a fresh order in due process of law i.e. after issuance of show cause notice and personal hearing.”

At the time of hearing, learned counsel for the parties are *ad idem* that the present petition has become infructuous in the light of the impugned order dated 27.05.2020 (P-1) having been withdrawn and Commissioner, Municipal Corporation, Bathinda-respondent No.1 is given liberty to proceed afresh, in accordance with law.

Dismissed as withdrawn, with the aforesaid liberty.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

10.07.2020
mks