

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

MAMTA
2020.10.02 04:49
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**CWP No.15965 of 2020
Date of decision: 01.10.2020**

Telu Ram

....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. D.S. Patwalia, Senior Advocate with
Mr. G.S. Patwalia, Advocate and
Mr. A.S. Chadha, Advocate
for the petitioner.

AJAY TEWARI, J. (ORAL)

By this petition the petitioner has challenged the order of the second Appellate Authority whereby the tender has been cancelled on the ground that respondent No.6 who was an aspirant for the same godown had filed an appeal and the same has been allowed without hearing the present petitioner.

Notice of motion.

On the asking of the Court, Mr. Pankaj Gupta, Addl. AG has accepted notice on behalf of respondents No.1 to 5 and Mr. Sandeep Jain, Advocate has accepted notice on behalf of respondent No.6.

Learned Addl A.G., has very fairly accepted that the appeal could not have been decided without hearing the petitioner.

Learned counsel for the respondent No.6 has argued that at the time when the first appeal was filed the tender had not been allotted to anybody and therefore, no other persons was impleaded as a party.

Be that as it may, once it is conceded that before the second appeal was filed, the tender had come to be allotted to the petitioner who has been affected by the decision of the appeal, it was incumbent upon the Second Appellate Authority to ensure that the petitioner be heard.

In view of this settled factual matrix, we deem it appropriate to set aside the impugned order with a direction to respondent No.2 to redecide the appeal.

Learned counsel for respondent No.6 has undertaken that he would implead the petitioner in the appeal before the respondent No.1.

In the circumstances, the impugned order is set aside. The petitioner through counsel shall appear before respondent No.2 on 8th October, 2020 and the respondent No.2 would ensure that the appeal is decided within 15 days of appearance of the petitioner.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

01.10.2020
m. sharma

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No