

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

CWP-3315 of 2021

Date of Decision : March 31, 2021

M/s Jindal Industrial Corporation

.....Petitioner

VERSUS

Union of India and others

.....Respondents

**CORAM: HON'BLE MR. JASWANT SINGH
HON'BLE MR. JASGURPREET SINGH PURI**

Present : Mr. Sukesh Jindal, Advocate
for the petitioner.

Mr. Pankaj Gupta, Advocate
for the respondents-UOI.

[The aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted
in virtual court]

JASWANT SINGH. J. (Oral)

The petitioner-partnership concern is listed as a “D” category Contractor with Military Engineering Services, Chandimandir-respondent No.2 for supply of wooden and steel furniture. The petitioner was awarded a contract in December 2015 against Tender Enquiry No.13 for supply of furniture in Sangrur, Punjab, falling within the jurisdiction of respondent No.2. The value of the contract was stated to be approximately Rs.19-20 lacs. It is further apparent that an FIR dated 5.10.2018 (Annexure P-5) came about to be registered by CBI, ACB, Chandigarh against the officials of the MES including the petitioner under Sections 7, 7A and 8 of the Prevention of Corruption Act, 1988 read with Section 120-B of IPC with the allegations that the aforesaid tender had been awarded in connivance with Govt. Officials for extraneous considerations. The criminal investigations/proceedings are

stated to be pending before the CBI.

The grievance raised in the present writ is that the tender work to be executed by the petitioner pertaining to the aforesaid FIR was suspended and the petitioner was banned from participating in further tender vide impugned letter dated 20.9.2019 (Annexure P-1). It is claimed that the said action is in violation of instructions dated 11.6.2019 (Annexure P-9) in as much as no show cause was issued nor any opportunity afforded before banning the petitioner from participating in future tender.

The stand of the respondents through their counsel is that the instructions are not applicable as the tender work was only ordered to be stopped from further execution during pendency of the CBI proceedings.

Be that as it may, the representation of the petitioner against the impugned action is stated to have been decided against the petitioner vide a subsequent order dated 23.3.2021 passed by the Chief Engineer.

Learned counsel for the petitioner prays for permission to withdraw the present petition in order to enable his client to file a fresh one challenging the said speaking order dated 23.3.2021, if so advised.

Disposed of with the aforesaid liberty.

**(JASWANT SINGH)
JUDGE**

**(JASGURPREET SINGH PURI)
JUDGE**

March 31, 2021

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No