

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 12800 of 2021 (O&M)

Date of decision:- 16.07.2021

M/s IMV India Pvt. Ltd.

.....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

Present:- Mr. Prateek Gupta, Advocate, for the petitioner.
Mr. Deepak Balyan, Addl. Advocate General, Haryana.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court).

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RAVI SHANKER JHA, CHIEF JUSTICE (oral)

This petition has been filed by the petitioner being aggrieved by the order dated 02.07.2021 whereby the purchase order issued in favour of the petitioner has been cancelled on the basis of the office memorandum dated 23.07.2020 (Annexure P-2) issued by the Government of India; notification dated 10.12.2020 (Annexure P-6) issued by Government of Haryana and office memorandum dated 08.02.2021 (Annexure P-10) issued by the Government of India.

Learned counsel for the petitioner points out that several clauses of the office memorandum dated 23.07.2020; notification dated 10.12.2020 and office memorandum dated 08.02.2021 have completely been misread and misconstrued by the authorities and as a result wrongly applied to the matter at hand to cancel the purchase order.

Learned Additional Advocate General appearing for the respondent-State of Haryana on instructions submits that detailed discussion and reasoning in respect of the applicability of the aforesaid order issued by the Government of India has not been given effect to by the respondent-authorities and in such circumstances, he states that respondent No.2-Additional Chief Secretary, Government of Haryana shall re-examine the matter, consider all the relevant orders and memorandum(s) and thereafter take a fresh decision in the matter within two weeks.

In view of the aforesaid statement/undertaking made by learned Additional Advocate General, Haryana on instructions and without entering into the controversy giving any opinion on the merits of the issues raised in the petition, the petition filed by the petitioner is disposed of in terms of the statement made before this Court. Respondent No.2-Additional Chief Secretary, Government of Haryana, shall consider all the relevant orders and memorandum(s) and take a fresh decision in the matter within two weeks and communicate the same to the petitioner expeditiously in accordance with law.

It is made clear that this Court has not expressed any opinion on the merits of the case and therefore, the respondent-authorities would be at liberty to examine the matter keeping all facts and facets into consideration and thereafter accept or reject the same in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

16.07.2021
ravinder

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