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

CWP No.7451 of 2022
Date of Decision: 19.04.2022

KSC BUILDCON PVT. LTD. .....*Petitioner*

V/s

HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT LIMITED, HSIIDC, AND OTHERS

.....*Respondents*

CORAM: HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO.
HON'BLE MR. JUSTICE HARMINDER SINGH MADAAN

Present: Mr. Gaurav Chopra, Senior Advocate assisted by
Mr. Abhishek Saghi, Advocate, for the petitioner.

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M.S. RAMACHANDRA RAO, J. (Oral)

Notice of motion.

Mr. Ankur Mittal, Advocate with Ms. Kushaldeep Kaur, Advocate accepts notice on behalf of the respondents.

Heard counsel for both the parties.

In this Writ Petition, there is a challenge to the proceedings dt.29.07.2019 (Annexure P-17) passed by respondent No.2 levying certain penalty on the petitioner for the period between October 2018 and May 2019. The petitioner has also sought for release of certain payments in respect of which the petitioner had given Annexure P-21 representation dt.02.03.2021 to respondent No.1.

As regards that order dt. 29.07.2019 passed by respondent No.2, it is not in dispute that the said order has been passed without affording any prior hearing to the Writ Petitioner.

Counsel for the respondents, on instructions from Mr. S.B. Kaushik, Project Manager, HSIIDC, Khanak Mines Site, Village

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integrity of this document

Khanak, District Bhiwani, states that the matter will be examined afresh by respondent No.1 after giving a prior opportunity of hearing to the petitioner and a reasoned order will be passed in accordance with law at the earliest.

Having regard to the said submissions, the Writ Petition is allowed; order dt.29.07.2019 passed by respondent No.2 is set aside; and the matter is directed to be considered afresh by respondent No.1 within six weeks from the date of receipt of certified copy of this order, after giving prior hearing to the petitioner and by passing a reasoned order in accordance with law which shall also be communicated to the petitioner. The grievance of the petitioner contained in representation dt.02.03.2021 (Annexure P-21) shall also be considered by respondent No.1 after affording a prior hearing to the petitioner, and the decision of the respondents thereon shall be communicated to the petitioner, within a period of six months from the date of receipt of certified copy of this order.

The above exercise shall be done by respondent No.1 in view of Clause 12, Sub Clause (x) of the Contract Agreement dt. 27.07.2017 (Annexure P-23) entered into by the parties.

(M.S. RAMACHANDRA RAO)
JUDGE

(HARMINDER SINGH MADAAN)
JUDGE

April 19, 2022
Ess Kay

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

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