

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

CWP-8626-2022 (O&M)
Date of decision:- 27.04.2022

M/s EC Blades & Tools Pvt. Ltd.

...Petitioner(s)

Versus

Union of India and others

...Respondent(s)

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

Present: Dr. Anmol Rattan Sidhu, Senior Advocate,
with Mr. Raghav Gulati, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India,
with Mr. Shobit Phutela, Advocate,
for respondent No. 1 – UOI.

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RAVI SHANKER JHA, C.J. (ORAL)

This writ petition has been filed by the petitioner being aggrieved by an order dated 08.04.2022 (Annexure P-15) allegedly passed by the appellate authority in an appeal filed by it against an order dated 12.03.2022 (Annexure P-8) delisting its name from the approved vendor directory.

Learned senior counsel appearing for the petitioner submits that it had previously filed a writ petition being CWP-7327-2022 against the impugned order dated 12.03.2022 which was disposed of by this Court vide order dated 07.04.2022 on the statement made by learned Additional Solicitor General of India, appearing for the Union of India, to the effect that the statutory appeal filed by the petitioner before the appellate authority would be considered and decided in accordance with law and that any interim application filed by the petitioner seeking stay etc. would also be taken up immediately by the authorities for passing appropriate orders. He further submits that pursuant to the aforesaid order passed by this Court, the petitioner had moved an application dated 07.04.2022 (Annexure P-14) seeking stay of the fresh tender issued by the respondent-authorities. However, the respondent-authorities, without giving the petitioner an opportunity of hearing and substantiating its claim against the impugned order of delisting and without assigning any reasons for dismissing the appeal or rejecting its contention raised therein, passed the impugned order dated 08.04.2022.

Mr. Satya Pal Jain, learned Additional Solicitor General of India, appearing for respondent No. 1 – UOI, on advance copy, submits that though the appellate authority had proceeded in the matter on the basis of a report of the technical committee and thereafter passed the impugned order dated 08.04.2022, however, he fairly concedes that the same does not contain any reason and was passed on the basis of the stay application dated 07.04.2022 filed by the petitioner. He fairly submits that the respondent-authorities would re-consider the appeal, hear the petitioner and thereafter take a fresh decision in the appeal by passing a detailed/reasoned order as far as possible within a period of four weeks and communicating the same to it accordingly. He further submits that the respondent-authorities would treat the impugned order dated 08.04.2022 as nonest and would not be influenced by the same while deciding the matter afresh.

In view of the aforesaid statement made by learned Additional Solicitor General of India and by taking the same on record and consequently treating the impugned order dated 08.04.2022 as nonest, the writ petition is disposed of in terms thereof.

However, the respondent-authorities, in terms of the aforesaid statement made by learned Additional Solicitor General of India, shall take up the matter afresh, give an opportunity of hearing to the petitioner and thereafter pass a reasoned order as far as possible within a period of four weeks.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

27.04.2022
Amodh Sharma

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