

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

CWP-12530-2022 (O&M)
Date of decision:- 05.07.2022

M/s Modern Construction Company

...Petitioner(s)

Versus

The Food Corporation of India and another

...Respondent(s)

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

Present: Mr. Puran Singh Rana, Advocate,
for the petitioner.

Mr. Sunish Bindlish, Advocate,
for the respondents.

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RAVI SHANKER JHA, C.J. (ORAL)

The petitioner by way of the present writ petition seeks a writ of certiorari for quashing the impugned order dated 01.04.2022 (Annexure P-11) rejecting its representation dated 08.03.2022 (Annexure P-10) and confirming the order dated 23.08.2021 (Annexure P-6) forfeiting EMD of Rs. 1,07,430/- as per clause 2 C of Model Tender Form and the order dated 20.09.2021 (Annexure P-8) terminating the contract, forfeiting the earnest money and debarring it from participating in any future tenders of the respondent-Corporation for a period of five years.

At the very outset, it is pointed out by learned counsel for the respondents that the competent authority under clause 25 of the contract to adjudicate upon the dispute is the General Manager (Engineering) Headquarters and accordingly the impugned order dated 01.04.2022 was passed by the Deputy General Manager (CE), R.O. (Punjab), Chandigarh and that against the said order, an appeal lies to the Executive Director (Engineering) in accordance with the procedure prescribed therein.

Learned counsel for the petitioner when confronted with the aforesaid prays for and is permitted to withdraw the writ petition with liberty to file an appeal before the Executive Director (Engineering) against the impugned order dated 01.04.2022.

Learned counsel for the respondent submits that in case such an appeal is filed within ten days, the concerned authority would decide the same strictly in accordance with law as well as the procedure prescribed in clause 25 of the contract.

In view of the aforesaid prayer made by learned counsel for the petitioner as well as the statement of learned counsel for the respondents, the writ petition stands disposed of as withdrawn.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

05.07.2022
Amodh Sharma

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