

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

CM-17605-2022 in/and CWP No.13706 of 2022

Date of Decision :17.11.2022

A2Z Infra Engineering Ltd.

.....Petitioner

Versus

Punjab State Power Corporation Limited and another

..... Respondents

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

Present : Mr. Anand Chhiber, Sr. Advocate with
Mr. Kunal Dawar, Advocate for the petitioner.
Mr. Mandeep Singla, Advocate
for applicant-respondents.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

CM-17605-2022

Application is allowed, reply filed on behalf of respondents, is taken on record.

CWP No.13706 of 2022

The petitioner is aggrieved by an order dated 26.05.2022, vide which, its pending securities (Rs.8,23,154/-), payments (Rs.2,32,507/-) and bank guarantee (Rs.25 lacs) were encashed/forfeited by the respondent-authorities and it had also been blacklisted for a period of three years.

The petitioner was assigned a contract to carry out the meter reading/spot billing in 20 DS Divisions of Punjab. Concededly, the work assigned to the petitioner stood executed on 30.06.2018. Though, multiple issues have been raised in the petition but having heard learned counsel for the parties, the only question, that arises for consideration, for the present is: if the petitioner was issued any show cause notice and/or afforded an opportunity of hearing by the respondent-authorities, before passing the

impugned order. Particularly, as the petitioner-company is accused of having committed fraud during execution of the contract and the committee constituted to inquire into the matter had returned scathing findings against the petitioner.

Upon being pointedly asked, learned counsel for the respondents fairly concedes that there was nothing on record to indicate that before passing the impugned order the authorities had issued a show cause notice or afforded an opportunity of hearing to the petitioner. Accordingly, on instructions, he submits that the respondent-authorities would take a fresh decision in the matter, after issuing a show cause notice and hearing to the petitioner.

In the wake of the above and without delving into the merits, the petition is disposed of in the following terms:

- (a) The respondents shall issue a show cause notice to the petitioner within a period of two weeks from today;
- (b) The petitioner shall file reply thereto within a further period of two weeks from the receipt of the said notice; and
- (c) Within three weeks, whereafter, the respondent-authorities would take a fresh decision in the matter by passing a speaking order in accordance with law after affording an opportunity of hearing to the petitioner.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

17.11.2022
Manoj Bhutani

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No