

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

CWP-22437-2021

Date of decision : 11.07.2022

Kulbir Singh and Co.

.....Petitioner

Versus

Haryana Agro Industries Corporation Limited

....Respondent

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

Present: Mr. Bhupinder Ghai, Advocate,
for the petitioner.

Mr. Padam Kant Dwivedi, Advocate,
for the respondent.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

It is stated by learned counsel for the respondent that in respect of the tender proceedings, relating to which this petition has been filed, the respondent has allotted the work to a contractor, who has executed it. It is further stated that the said successful tenderer has not been impleaded as a party, although he is a necessary party to this petition, and in such circumstances, the petition be dismissed as having rendered infructuous.

Learned counsel for the petitioner submits that decision on the review application (RA No. 15 of 2021) filed by the petitioner seeking review of the order dated 17.11.2020 passed by this Court in CWP-14019-2020 relating to rejection of its technical bid by the FCI is pending for 02.09.2022, and therefore, this case be adjourned to that date.

Having heard learned counsel for the parties, we are of the considered opinion that this petition has been rendered infructuous and deserves to be dismissed as such.

Learned counsel for the petitioner submits that in that eventuality, while dismissing this petition, the petitioner may be granted liberty to approach this Court again, in case any cause of action survives after decision of the aforesaid review application.

In view of the above, the petition is dismissed as having rendered infructuous, with liberty to the petitioner to file fresh petition in case any cause of action survives after decision of RA No. 15 of 2021 *ibid* filed by the petitioner.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

July 11, 2022
ndj

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