

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

CWP-21896-2022 (O&M)
Date of decision:- 22.09.2022

M/s Pankaj Security Services

...Petitioner(s)

Versus

The Postgraduate Institute of Medical Education and Research
(PGIMER), Sector 12, Chandigarh and another.

...Respondent(s)

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

Present: Mr. Rahul Sharma – I, Advocate,
for the petitioner.

Mr. Amit Jhanji, Senior Advocate,
with Mr. Abhishek Premi, Advocate,
for the respondents.

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RAVI SHANKER JHA, C.J. (ORAL)

This writ petition has been filed by the petitioner being aggrieved by an alleged notice dated 18.08.2022 (Annexure P-2) issued by the respondent-authorities terminating its license in respect of the cafeteria in New OPD, PGIMER, Chandigarh and an order dated 19.09.2022 (Annexure P-7) dismissing the petition for dispute resolution dated 23.08.2022 (Annexure P-3) filed by the petitioner in terms of clause 30 of the License Deed dated 22.10.2021 (Annexure P-1) followed by a representation dated 03.09.2022 (Annexure P-5).

Learned counsel for the petitioner submits that, in the instant case, the petitioner had entered into a license deed/agreement with the respondent-authorities on 22.10.2021 to run the cafeteria for an initial period of one year which was extendable for another six months. It is stated that the respondent-authorities thereafter issued a notice of termination of the license deed/agreement dated 18.08.2022 which was more in terms of the order of termination. He further submits that against the said notice of termination of the license, the petitioner had filed a writ petition before this Court being CWP-20886-2022 which was disposed of vide order dated 14.09.2022 (Annexure P-6) on a statement being made by learned counsel for the respondents that the petition for dispute resolution dated 23.08.2022 shall be considered and decided by them as early as possible. He further submits that pursuant to the aforesaid order of this Court, the respondent-authorities have passed the impugned order dated 19.09.2022 rejecting the same. He further

submits that a perusal of the impugned notice dated 18.08.2022 terminating the license deed/agreement and the order dated 19.09.2022 rejecting the petitioner’s claim raised under the dispute resolution clause makes it abundantly clear that the respondent-authorities have neither given any reason for termination in the said notice, nor have they applied their mind while rejecting the petition for dispute resolution. He further submits that, as a consequence, the petitioner is now debarred from participating in further tender proceedings in respect of the same shop/cafeteria in terms of clause 6 Important Note (iv) of the tender form (Annexure P-4) issued by the respondent-authorities. He further submits that in such circumstances, the impugned orders suffer from total non-application of mind and non-consideration of the petitioner’s dispute and, therefore, deserve to be set aside.

Learned senior counsel, appearing for the respondents – PGIMER, fairly states that the authorities have not mentioned any reason while considering the petitioner’s objection(s) to the termination of license or dismissing the petition for dispute resolution. He submits that the competent authority would take a fresh decision by passing a reasoned order after considering all the facts and circumstances of the case and affording an opportunity of hearing to the petitioner in terms of the dispute resolution clause 30 of the License Deed dated 22.10.2021.

In the circumstances, the order dated 18.08.2022 terminating the license deed/agreement and the order dated 19.09.2022 dismissing the dispute raised by the petitioner are set aside and the matter is sent back to the dispute resolution authority for undertaking the afore-stated exercise expeditiously and in accordance with law.

The writ petition is, accordingly, disposed of in the terms aforesaid.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

22.09.2022
Amodh Sharma

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