

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

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**CWP-22908-2022 (O&M).
Date of Decision: 29.11.2022.**

M/s S.K. Construction Company

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Ms. Dhivya Jairath, Advocate, for the petitioner.

Mr. Saurav Verma, Addl. A.G. Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

CM-16863-CWP-2022

The instant application has been filed seeking preponement of the date of hearing in the main case which is stated to be listed for hearing on 29.11.2022, which is today itself.

Learned counsel appearing on behalf of the applicant-petitioner contends that since the main case is fixed for today itself, the present petition has been rendered infructuous.

Dismissed as having been rendered infructuous.

CM-18743-CWP-2022

The instant application has been filed under Section 151 of the Civil Procedure Code, 1908 for placing on record the relevant extract of DNIT dated 17.11.2021 as Annexure P-11.

The application is allowed subject to all just exceptions.

Relevant extract of DNIT dated 17.11.2021 as Annexure P-11, is taken on record.

Registry is directed to tag the same at appropriate place.

Main case

The instant petition has been filed by the petitioner under Articles 226/227 of the Constitution of India, seeking issuance of an appropriate writ in the nature of certiorari for quashing of the letter dated 16.06.2022 (Annexure P-1), whereby the road construction/repair work undertaken by the petitioner has been listed in the rejected category

Learned counsel for the petitioner fairly submits that Clause 24 of the DNIT stipulates a dispute resolution mechanism. She thus does not press the instant petition so as to take recourse to the alternative remedies available to her in accordance with law. It is however, submitted by the learned counsel that the respondents have initiated the process for delisting/black listing the petitioner and she places reliance on Annexure P-7 wherein while categorizing the work of the petitioner under the rejected category, there is a process initiated for delisting/black listing of the petitioner. She contends that there is every likelihood of the petitioner being delisted/black listed without being afforded any hearing. She submits that she would be satisfied in case the respondents adhere to the principles of natural justice before passing any prejudicial order against the petitioner.

Learned State counsel submits that the authorities shall take steps by complying with the principles of natural justice.

In view of the above, the present petition is dismissed as withdrawn.

Needless to mention that in the event of any order being passed by the authorities under the agreement and/or the regulations thereupon, the procedure contemplated thereunder and principles of natural justice wherever so required shall be adhered to.

November 29, 2022.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No