

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

Sr. No.215

**CWP-29969-2018(O&M)
Date of decision:20.05.2022**

M/S LAKSHIT CONSTRUCTION PVT. LTD Petitioner

Vs.

STATE OF HARYANA AND OTHERS Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. D.S Patwalia, Sr. Advocate with
Mr. A. S Chadha, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Varun Katyal, Advocate
for respondents No.2 to 6.

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RAJ MOHAN SINGH, J. (Oral)

Prayer in this writ petition is for issuance of an appropriate writ in the nature of certiorari for quashing the order dated 17.07.2018 (P-13), passed by the respondent No.3.

Petitioner has assailed the order dated 17.07.2018, passed by the respondent No.3, whereby, the earlier Standing Empowered Committee (SEC) constituted by the respondent No.3 itself has been dissolved. According to learned counsel for the petitioner, a dispute arose between the petitioner and the respondent-Corporation in respect of tenders of construction of 96 Type II Houses in Police Line, Palwal and others. There is a Dispute Redressal System. The dispute is required to be considered by a

Committee known as the Standing Empowered Committee. As per the Clause 24.1, the dispute has to be considered firstly by competent authority. The petitioner remained unsuccessful before the competent authority i.e Chief Engineer, HPHC against whose order appeal is maintainable before the Empowered Standing Committee in terms of Clause 24.2. The composition of the aforesaid Committee is given in Clause 24.3. The Empowered Standing Committee is consisting of one official member, Chairman not below the rank of Chief Engineer, HPHC, one official member not below the rank of Superintending Engineer and one non-official member who will be technical expert not below the rank of Superintending Engineer.

The grievance of the petitioner is that the petitioner has already invoked Clause 24.3. The Chairman of the Empowered Standing Committee is the same person who had decided the dispute in terms of Clause 24.1. Earlier the Empowered Committee was having some different Chairman and that Committee had already considered the issue on merits but at the fag end, the Committee was changed vide impugned order dated 17.07.2018 and 23.07.2018, thereby bringing the same Officer as Chairman of newly constituted Standing Empowered Committee.

Learned Senior counsel for the petitioner further submits that the petitioner would be satisfied in case present incumbent/ Chairman is taken off from the array of members of the aforesaid Standing Empowered Committee and be replaced by some other competent person.

Per contra, learned counsel for respondent Nos.2 to 6 submits that new committee has been constituted in terms of order dated 05.07.2018, passed in CWP No.7392 of 2018. A perusal of the aforesaid order would not show that the same incumbent is to be appointed as Chairman of the newly constituted Committee in any manner. It is a settled principle of law that no one can be a judge of his/her own cause. The present Chairman of the Standing Empowered Committee had already considered the claim of the petitioner in terms of the Clause 24.1 and that very officer cannot be allowed to lead the Standing Empowered Committee being Chairman of the same.

In view of the above, impugned orders are set aside to the extent of naming Chief Engineer, HPHC, as Chairman of the Standing Empowered Committee. Respondents would be at liberty to replace his name by some new incumbent. Thereafter, the Standing Empowered Committee shall proceed to decide the claim of the petitioner in accordance with law. It is made clear that the amount already deposited by the petitioner in order to maintain the appeal before the aforesaid Committee shall be adjusted during the proceedings before the newly constituted Committee. The Committee shall undertake to decide the *lis* preferably within six months from the date of receipt of certified copy of this order.

20.05.2022
Amandeep

(RAJ MOHAN SINGH)
JUDGE

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