

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-10972-2023

Date of decision: 19.05.2023

Wah Kong Construction India Pvt. Ltd. and others ....Petitioners

Versus

State of Punjab and others ....Respondents

2)

CWP-10975-2023

Wah Kong Construction India Pvt. Ltd. and others ....Petitioners

Versus

State of Punjab and others ....Respondents

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

Present: Mr. Ankur Mittal, Advocate,  
Ms. Kushaldeep Kaur, Advocate,  
Mr. Jugam Arora, Advocate, for the petitioners.

Mr. Arjun Sheoran, DAG, Punjab.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

On 12.05.2023, following order was passed by this Court in  
the previous writ petition filed by the petitioners, (CWP-10322-2023),  
involving identical issue(s):-

*“Learned Deputy Advocate General, Punjab,  
at the outset, on instructions from Ravinder Garg, (S.E.),  
M.C., Ludhiana, submits that Section 49 of the Punjab  
Transparency in Public Procurement Act, 2019, provides  
for a remedy of appeal against the impugned order before  
the Appellate Authority, i.e. Additional Commissioner,  
Municipal Corporation, Ludhiana.*

*Faced with this, learned counsel for the  
petitioners prays for and is permitted to withdraw the  
petition, with liberty to the petitioners to avail of the said  
remedy, as also file an application for interim relief.*

*Dismissed as withdrawn, with the liberty  
prayed for.”*

Learned counsel for the petitioners submits that in spite of the order passed by this Court (*ibid*), the appellate authority refused to hear the matter, and therefore, the petitioners were left with no other option, but to approach this Court again by way of present petition (CWP-10972-2023).

Faced with this, learned Deputy Advocate General, Punjab, submits that, in fact, the appellate authority is in seisen of the matter. A letter dated 18.05.2023 was also issued to the concerned authority as well as to the petitioners, informing them that hearing of their appeal/application is fixed for 19.05.2023 at 10:00 AM, i.e. today.

As regards the other petition, i.e. CWP-10975-2023, he, on instructions from Dr. Shena Aggarwal, Commissioner, M.C., Ludhiana, submits that in case the petitioners file an appeal, the appellate authority shall hear and decide the same, along with application for interim relief, if any, within the stipulated period, as provided in the Punjab Transparency in Public Procurement Rules, 2022.

In view of the abovesaid statement made by learned State counsel, both the petitions stand disposed of.

**(RAVI SHANKER JHA)**  
**CHIEF JUSTICE**

**(ARUN PALLI)**  
**JUDGE**

**May 19, 2023**  
Ak Sharma

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |