

2023:PHHC:127149-DB
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-19174-2023 (O&M)
Date of decision: 29.09.2023

M/s Shiva Builders

...Petitioner

Versus

The Punjab Health Systems Corporation and others

....Respondents

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

Present: Mr. Chirag Girdhar, Advocate,
for the petitioner.

Mr. Arjun Sheoran, DAG, Punjab.

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RAVI SHANKER JHA, C.J. (ORAL)

CM-16523-CWP-2023

Application is allowed, as prayed for.

The document is taken on record as Annexure P-10.

Main case

This petition has been filed by the petitioner being aggrieved by the order dated 20.07.2023 (P-7), vide which, it has been debarred from entering into tender process for any type of construction activity with the respondent-Corporation, for the next five years.

It is alleged that the impugned order has been passed by the Executive Engineer (Civil)-respondent No.3, which was not the competent authority to do so. Further, neither any opportunity of hearing was granted, nor any show cause notice was issued to the petitioner, before passing the impugned order, and therefore, it is *void ab initio* in law. He, however, submits that the petitioner, as regards its concerns/grievances, has moved the authorities, vide representations dated 24.07.2023 (P-8) and 18.08.2023 (P-9), but the same are still pending consideration. In the circumstances, he submits that the respondent authorities may be directed to consider and decide the same, within a specified time.

Learned Deputy Advocate General, Punjab, per contra, submits that though the impugned order is appealable under Section 26 of the Punjab Transparency in Public Procurement Act, 2019, but he has no objection to the prayer made by learned counsel for the petitioner. Accordingly, he submits that the representations (*ibid*), shall be considered by the authorities and appropriate orders, after giving opportunity of hearing to the petitioner, shall be passed thereon, in accordance with law, within a period of two weeks from today, and communicated to the petitioner.

In the wake of the above, the petition is disposed of, in terms of the statement made by learned State counsel.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

29.09.2023
AK Sharma

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