

2023:PHHC:115775-DB

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

CWP-19483-2023

Date of decision: 04.09.2023

Vipan Kumar

....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Nitin Kaushal, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

 Contends that pursuant to the notice inviting online tender, petitioner had submitted his bid. Upon being found technically compliant, he was adjudged as L1, for the work of labour and cartage at Kartarpur-I and II clusters. It is submitted that M/s Workers Management Committee (respondent No.4), which too participated in the tendering process, was declared non-responsive. However, in the appeal preferred by it, the first appellate authority set aside the decision of District Tender Allotment Committee, holding respondent No.4 to be technically non-compliant. It is urged that since the decision of the first appellate authority, dated 11.04.2023 (P-2) was ex parte, the same was assailed by the petitioner before the second appellate authority, in terms of the Punjab Foodgrains Labour Cartage Policy, 2023. Whereupon, vide order dated 28.08.2023, the second appellate authority being of the view that petitioner, having been adjudged L1, had acquired a substantial right/interest in the matter, and therefore, ought to have been heard by the first appellate authority, before passing any such order. Accordingly, the petitioner was held entitled to an opportunity of being heard before the first appellate authority and whereafter, it was observed that the first appellate authority would be at liberty to modify the order dated 11.04.2023, in case the situation so warrants.

The limited grievance that the petitioner has is: time being the essence of the matter, the first appellate authority has yet not fixed any date to hear the matter/re-examine the issue.

Upon being served with the advance copy of the petition, Mr. Arjun Sheoran, learned Deputy Advocate General, Punjab, is present in Court. He submits that, in fact, the matter is listed for consideration before the first appellate authority in the current week itself. He submits that the same shall be heard and dealt with, preferably on the date fixed and, in any case, within a period of one week thereafter.

In the wake of the above, the petition is disposed of, in terms of the statement made by learned State counsel. This Court is sanguine that the authorities would pass appropriate orders, in accordance with law, within the period indicated by the learned State counsel.

(ARUN PALLI)
JUDGE

(HARKESH MANUJA)
JUDGE

September 04, 2023

Ak Sharma

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