

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

CWP No.19829 of 2023

Date of Decision :06.09.2023

Ashwani Kumar

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

HON'BLE MR.JUSTICE HARKESH MANUJA, JUDGE

Present : Mr. Anurag Chopra, Advocate for the petitioner.

Mr. Arjun Sheoran, DAG, Punjab.

ARUN PALLI, J. (Oral):

 Contends that pursuant to the notice inviting on line tender the petitioner had submitted his bid. However, the District Tender Committee declared the petitioner non-compliant, for he violated clause 5(c) Note-3 of the Punjab Foodgrains Labour & Cartage Policy 2023. He submits that the said order was assailed in terms of clause 16 of the policy (ibid) before the First Appellate Authority. And vide a detailed order dated 7.06.2023, the First Appellate Authority set aside the order of the District Tender Committee and the petitioner was declared technically viable/compliant. It is urged that the said order was questioned by the private respondent before the Second Appellate Authority. But vide impugned order dated 08.06.2023, even though, the petitioner had lodged a caveat, without affording him any notice and opportunity of hearing, the order dated 7.06.2023 (ibid) was stayed. The limited grievance that is being expressed by learned counsel for

the petitioner is: pendency of the appeal and the stay order granted by the Second Appellate Authority has severally impacted the interest of the petitioner, particularly as the procurement season that commences from October is in the offing.

In response, learned State counsel submits that the matter is posted for consideration/arguments on 13.09.2023 and in all probability the same shall be heard and decided on the date fixed. However, he submits that if for any cogent reason it is not favourable to decide the appeal on the appointed date, the same shall be disposed of, within a period of one week, thereafter.

In the wake of the statement made by learned counsel State counsel, the petition is accordingly disposed of.

(ARUN PALLI)
JUDGE

(HARKESH MANUJA)
JUDGE

06.09.2023
Manoj Bhutani

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