

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

CWP-22625-2023 (O&M)
Date of Decision: 07.10.2023

M/s Asphaultine India and another

.....Petitioners

Versus

Union of India and another

..... Respondents

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

Present : Mr. Shivam Sharma, Advocate, and
 Mr. Dilmirg Nayani, Advocate,
 for the petitioners.

ARUN PALLI, J. (Oral):

The petitioners pray for a Certiorari to quash the order dated 30.09.2023 (P-1), issued by Bharat Petroleum Corporation Limited, vide which they have been directed to deposit a sum of Rs.8,16,709.10+GST, as applicable, at the earliest (within 10 days), failing which, the said amount will be adjusted/deducted from the payments that are due to the petitioners or by revoking the bank guarantees.

Learned counsel for the petitioners contends, *inter alia*, that before passing the impugned order (*ibid*), neither the petitioners were served with any show cause notice nor afforded opportunity of hearing, to set-forth their response/defence, and thus, the same is required to be set aside on that ground alone.

Served with the advance copy of the petition, Mr. Ankur Sharma, Senior Panel Counsel, on behalf of respondent No.1, and Mr. Varun Sharma, Advocate, appearing for Mr. Raman Sharma, Advocate, on behalf of respondent No.2, are present in Court.

Learned counsel for respondent No.2-Corporation submits that the order dated 30.09.2023 (*ibid*), is not conclusive in nature. Therefore, on instructions from Mr. Neeraj, Manager, (I&C) BPCL, he submits that before any final decision/order is passed by the respondent-Corporation, the petitioners would be afforded a hearing. And, the date, in this regard, shall be communicated to the petitioners. Further, in case, they wish to, they may even submit a response/reply to the order dated 30.09.2023, within four days from today.

To this, learned counsel for the petitioners submits that let the petition be disposed of, in terms of the statement made by learned counsel for the respondent-Corporation. He submits that the petitioners shall file their response/reply to the order dated 30.09.2023, within the time indicated by the learned counsel for the respondent-Corporation.

The petition is accordingly disposed of, in the above terms.

(ARUN PALLI)
JUDGE

(HARKESH MANUJA)
JUDGE

07.10.2023

AK Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No