

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3041-2024(O&M)
Date of decision: 20.04.2024

M/s Saptagiri Restaurant Private Limited
... Petitioner
Versus
Airports Authority of India and others
... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Gurminder Singh, Senior Advocate, with
Mr. Prateek Gupta, Advocate,
for the petitioner.
Mr. Chetan Mittal, Senior Advocate, with
Mr. Vivek Singla, Advocate,
for the respondents.

ARUN PALLI, J. (Oral)

A certiorari is prayed for, to quash the order dated 08.08.2023 (P-1), vide which the petitioner (M/s Saptagiri Restaurant Pvt. Ltd.) has been debarred from participating in the tenders floated by the Airports Authority of India (respondent No.1), for a period of three (03) years. And also the order of an even date (P-2) by which licence for Wellness Centre/Spa and Massage Chair Facility inside Domestic Security Hold Area as also the International Security Hold Area at SGRDJI Airport, Amritsar, has since been terminated, with immediate effect.

The petitioner being aggrieved had even earlier approached this Court vide CWP No.17635 of 2023, which was disposed of on August 16, 2023, to enable the petitioner to invoke the dispute resolution mechanism envisaged under clause 29 of the General Terms and Conditions of the Contract. Whereafter, the authorities have passed a fresh order dated January

27, 2024 (P-4), affirming the earlier orders dated 08.08.2023 (**ibid**). Thus, this petition.

After we had issued notice to the respondents, an affidavit dated 23.02.2024 has been filed by Ms. Harmanjote Kaur, In-charge (Comml.), Sri Guru Ram Dass Jee International Airport, Amritsar. And, the averments set out in para 4 reads as thus:

“That the impugned order passed by DRC dated 27.01.2024 (Annexure P-4) be treated as withdrawn and the dispute Resolution Committee (Respondent No.3) would pass a fresh reasoned order after taking into consideration all the relevant documents within a period of 10 days.”

Accordingly, learned Senior counsel for the respondents submits, for the impugned order dated January 27, 2024 (P-4) stands withdrawn, the Dispute Resolution Committee (DRC), after the petitioner is heard, shall pass the orders afresh. Therefore, he submits that let the petitioner appear before the Committee (respondent No.3) on 23.04.2024 @ 11:00 am at the Airport itself. Further, the petitioner shall also be at liberty to support/supplement its claim by furnishing any fresh material/documents, including the decisions rendered by the Hon’ble Madras High Court, dated 09.08.2023 (P-20) as also by Hon’ble High Court of Jammu and Kashmir and Ladakh at Srinagar, dated 13.10.2023 (P-22), on the appointed date itself, if so advised. Which shall be taken cognizance of by the DRC before passing appropriate orders, as indicated above.

That being so, learned Senior counsel for the petitioner submits that let this petition be disposed of in the wake of the affidavit, referred to

above, and the statement made by learned Senior counsel for the respondents. However, he submits that the matter being time sensitive, the authorities be directed to pass the formal orders within a specified time.

To which, learned Senior counsel for the respondents fairly submits, and as indicated in the affidavit itself, the DRC shall pass the final orders, after the petitioner appears before the Committee on 23.04.2024, within a period of 10 days, i.e. on or before 02.05.2024.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition stands disposed of.

This Court is sanguine that the Committee shall consider the matter in the right earnest. And pass the necessary orders within the time indicated by learned Senior counsel for the respondents.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the Committee shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

20.04.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO