

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3753-2024(O&M)
Date of decision: 06.05.2024

M/s Fire Guard Engineers
... Petitioner
Versus
Post Graduate Institute of Medical Education and Research and others
... Respondents

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

Present: Mr. Krishan Singh Dadwal, Advocate,
for the petitioner.
Mr. Naveen Chopra, Advocate,
for the respondents.

ARUN PALLI, J. (Oral)

The petitioner (M/s Fire Guard Engineers) was awarded a contract for the work of Comprehensive Upgradation of Fire Fighting Pumping Systems at PGI, Sector-12, Chandigarh. Vide order dated October 7, 2022 (P-32), the competent authority, in terms of clause 2 of the agreement, held the petitioner liable to pay Rs.29,86,492.40 by way of compensation owing to inordinate delay in execution of the works. Further, the bank guarantee amounting to Rs.14,93,246/- was also forfeited. Being aggrieved, the petitioner had preferred an appeal, which has since been dismissed vide impugned order dated 27th December, 2023:

“The above subject cited appeal filed by your was deliberated during the meeting of Dispute Redressal Committee held on 24.08.2023 & 30.10.2023 wherein you presented the perspective of your firm. Keeping in view the facts given by you and your letter dated 31.10.2023, the

Committee decided that the appeal made by you has no merit, hence, the same stands rejected.”

Ex facie, the order passed by the appellate authority is perverse, cryptic and non-speaking, for no reason has been assigned in support thereof.

Vide order dated March 12, 2024, learned counsel for the respondents was afforded time to seek instructions as to how, in the given circumstances, the order in question could even be sustained.

In response, he fairly submits that the impugned order (**ibid**) being indefensible, it would be expedient if this petition, at this stage, is disposed of to enable the competent authority to re-examine the matter. And pass orders afresh, after affording an opportunity of hearing to the petitioner. He submits that before any such orders are passed, a formal communication will be issued well in advance. Further, he submits that the petitioner shall also be at liberty to support/supplement its claim by furnishing any fresh material/documents. Therefore, he submits that the order passed by the Appellate Authority on December 27, 2023, be deemed to have been withdrawn.

That being so, learned counsel for the petitioner submits that let this petition be disposed of in the wake of the statement made by learned counsel for the respondents. However, he submits the authorities be directed to pass the necessary orders within a specified time.

To which, learned counsel for the respondents submits that the required orders shall be passed within a period of four weeks from today.

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 competent authority shall re-consider the matter in issue in the right earnest, and pass a comprehensive order assigning reasons in support thereof, within the time indicated by learned counsel for the respondents.

However, it is made clear that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

06.05.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO