

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7515-2024

Date of decision: 04.04.2024

The Draka Co-operative Labour and Construction Society Ltd.
....Petitioner

Versus

State of Punjab and others
....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Munish Garg, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:-

“Civil Writ Petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the letters dated 06.03.2024 and 18.03.2024 (Annexure P-6 & Annexure P-8) issued by respondent No.4 whereby excessive performance security of Rs. 18,59,312/- has been demanded by the respondent No.4 by citing the condition No.21 and 21(A) of the DNIT (Annexure P-4) which itself is not mentioned in the DNIT for the performance of tender dated 28.02.2024 for the year 2024-25 amounting to Rs.20,25,044/- and especially when according to the notification of Punjab Government No.76/52/79-C.1 (5)/8856 dated 04.11.2019 the societies are exempted from paying any bank security or security deposit which is extended till 13.08.2024, which is illegal arbitrary and liable to be set aside.

AND

Further issuance of a writ in the nature of mandamus directing the respondents not to blacklist the present petitioner society till the pendency of the present writ petition”

AND

Further seeking staying the operation and implementation of the letters dated 06.03.2024 and 18.03.2024 passed by respondent No.4 (Annexure P-6 and Annexure P-8) passed by respondent No.3, whereby excessive performance security of Rs. 18,59,312/- has been demanded by the respondent No.4 for the performance of tender dated 28.02.2024 for the year 2024-25 amounting to Rs. 20,25,044/-."

Learned counsel for the petitioner submits that prior to the institution of this petition, the petitioner had even served the respondent authorities with legal notices dated 18.03.2024 (P-9) 28.03.2024 (P-10), but to no avail. Thus, interest/rights of the petitioner are severely impacted.

Served with the advance copy of the petition, Mr. Sanjeev Sharma, Advocate, for respondents No.1, 3 and 4, and Mr. Shekhar Verma, Additional Advocate General, Punjab, for respondent No.2 are present in Court.

At the outset, learned counsel for respondents No.1, 3 and 4, on instructions, submits that as the competent authority is already in seisin of the concerns/grievances of the petitioner, it would rather be expedient if this petition is disposed of, at this stage, to enable the respondent authorities to consider and pass necessary orders on its legal notices (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the authorized representative(s) of the petitioner shall be heard. And a formal communication, in this regard, shall also be issued.

Learned counsel for the petitioner is in agreement with the course suggested by learned counsel for respondents No.1, 3 and 4, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to take a final decision in the matter, within a specified time.

In response, learned counsel for respondents No.1, 3 and 4 submits that appropriate orders shall be passed within a period of three weeks from today.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by the learned counsel for the respondents No.1, 3, and 4.

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 competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

04.04.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No