



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

251

Date of decision: 08.05.2024

1. CWP-9404-2023

M/s M.S. Bros.		...Petitioner
	Versus	
State of Punjab & anr.		...Respondents

2. CWP-16977-2021

M/s M.S. Bros.		...Petitioner
	Versus	
State of Punjab & ors.		...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Sunil Chadha, Senior Advocate with
Mr. Tara Dutt, Advocate and
Ms. Taanvi Dhull, Advocate,
for the petitioner.

Ms. Niharika Sharma, A.A.G., Punjab.

Mr. Sarthak Gupta, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. This order shall dispose of two petitions bearing CWPs No.9404 of 2023 and 16977 of 2021.

2. Prayer in the present petition is for issuance of direction to respondent No.2 to renew/revalidate the enlistment of the petitioner as Class I Contractor in terms of the “Instructions for Enlistment of Contractors in Public Works Department, 2016”.

2. On noticing the contention of learned counsel for the petitioner, the following order was passed on 03.05.2023 in CWP-9404-2023:-

**CWP-9404-2023 with connected writ petition****-2-**

“The present writ petition has been filed for seeking issuance of directions to the respondents to renew/revalidate the enlistment of the petitioner as Class 1 Contractor in terms of the “Instructions for Enlistment of Contractors in Punjab Public Works Department (B&R) -2016.”

Learned Senior counsel appearing on behalf of the petitioner contends that the petitioner was awarded certain works during the Covid – 19 period which could not be executed in the prescribed time on account of the prevailing pandemic circumstances. As a result thereof, the respondents cancelled/terminated both the said contracts. A legal notice was served by the petitioner upon the Executive Engineer, Construction Division, PWD (B&R) for withdrawing the said termination/cancellation and to return the earnest money along with interest. However, no response to the said notices were received. The Superintending Engineer, Construction Division, PWD (B&R), Pathankot, however, sent a letter dated 25.05.2021 to respondent No.2 i.e. Chief Engineer stating therein that since the enlistment of the petitioner is valid till 13.07.2021, therefore, he may be delisted as per Entitlement Instructions, 2016.

Learned Senior counsel further contends that the proceedings against the termination of the work orders were adjudicated in arbitration proceedings wherein the award has already been passed in favour of the petitioner. In order to pressurize the petitioner, the respondents are not renewing/revalidating the Enlistment of the petitioner as Class 1 contractor and as a result of such non-renewal, he is debarred from participating for tenders that are being floated by the respondents. It is further contended that

the petitioner was also debarred by the respondents against which the petitioner preferred CWP No.16977 of 2021 wherein vide interim order dated 03.09.2021, the petitioner was provisionally permitted to participate in

the tender process. He contends that endeavour of the Department is to harass the petitioner so as to submit to the undue pressure and desires of the

authorities concerned.

Notice of motion returnable for 13.09.2023.

**CWP-9404-2023 with connected writ petition****-3-**

Notice re: stay as well.

In the meanwhile, the respondents are directed to renew/revalidate the Enlistment of the petitioner as Class 1 Contractor in terms of the “Instructions for Enlistment of Contractors in Punjab Public Works Department (B&R) - 2016” on provisional basis.

Needless to mention that renewal by virtue of the aforesaid interim order shall not confer any right in favour of the petitioner.”

Reply has been filed on behalf of respondent No.2.

Learned counsel for respondent No.2 contends that they shall take a decision on the pending application for renewal/revalidation of the enlistment of the petitioner.

Learned Senior counsel for the petitioner, however, contends that the interim protection granted by this Court be kept intact till such time a decision is taken by the respondent-authorities and for a period of two weeks thereafter (in the event of an adverse order passed against the petitioner) so as to enable the petitioner to take recourse to his remedies as per law.

The said prayer is not objected to by the respondents.

In view of the above, the present writ petitions are disposed of at this stage without commenting on the merits of the case and directing the respondents to allow the petitioner to participate in the tenders that may be floated till such time a decision is taken with respect to renewal/revalidation of the enlistment of the petitioner under the Instructions for Enlistment of Contractors in Public Works Department, 2016.

In the meanwhile, the order dated 03.05.2023 shall continue to enure in favour of the petitioner till decision on the pending application for



CWP-9404-2023 with connected writ petition

-4-

renewal/revalidation and for a period of 15 days thereafter to enable the petitioner to avail his alternative remedies.

The petitions are disposed of accordingly.

08.05.2024	(VINOD S. BHARDWAJ)
monika	JUDGE
Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No