



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

**CWP No.10436 of 2024 (O&M)
Date of Decision :06.05.2024**

M/s Hindustan Sales Corp.

.....Petitioner

Versus

**Haryana State Co-operative Supply and Marketing Federation Limited
and another**

..... Respondents

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

Present : Dr. Pankaj Nanhera, Advocate for the petitioner.

**Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep Kaur, Advocate for the respondents.**

ARUN PALLI, J. (Oral):

The petitioner has prayed the following substantive relief:-

“Civil Civil Writ Petition under Articles 226/227 of the Constitution of India, 1950 for the issuance of a writ in the nature of mandamus for directing respondent-Co-operative Federation (Haryana State Co-operative Supply and Marketing Federation Limited) and respondent no. 2 (General Manager, Pesticides, of Haryana State Co-operative Supply Marketing Federation Limited, Taraori, Karnal), to issue supply permission and thereby take delivery of the various orders placed by respondent no. 2 of the goods (pesticides). As the goods have been tested by the approved laboratory vide reports dated 09.04.2024 (Annexure P-7) in compliance with the general terms and conditions of the tender dated 12.04.2023 (Annexure P-1) and no supply permission has been issued by respondent no.2 even after a delay of more than three weeks, as the inaction of the respondents is unjust, illegal and arbitrary, in the interest of justice;

AND

Further issuance of a writ in the nature of mandamus to the respondent no. 2 (General Manager, Pesticide,



Haryana State Co- operative Supply and Marketing Federation Limited) to issue supply permission as per the tender dated 12.03.2023 (Annexure P-1) as the goods are in a perishable state and have a limited shelf life and the non-delivery would cause irreparable financial loss to the petitioner and make payment for the goods as per the demand notice dated 29.04.2024 (Annexure P-8), in a time bound manner, during the pendency of the present Civil Writ Petition, in the interest of justice.”

At the outset, learned counsel for the petitioner submits that prior to the institution of this petition the petitioner had even served the respondents-authority with a representation dated 29.04.2024 (P8), but to no avail. He submits that the matter being time sensitive the authorities ought to have responded to the representation they have been served with, for with each passing days delay the right and interest of the petitioner are being severely impacted.

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate, is present in Court for the respondents. At the outset, he submits that as the competent authority is already in seisin of the representation (ibid) submitted by the petitioner, it would be expedient if this petition is disposed of, at this stage, to enable the respondents authority to consider the concerns/grievances of the petitioner as set out in the petition and pass necessary orders thereon, in accordance with law. He further submits that before any such orders are passed, the petitioner shall also be afforded an opportunity of hearing. It is urged that the authorized representative of the petitioner may appear before General Manager, Pesticides of Haryana State Co-operative Supply and Marketing Federation Limited, Taraori, Karnal (respondent No.2) on 09.05.2024 at 11.00 A.M and would also be at liberty to



submit fresh material to supplement/support its claim which shall be taken cognizance of by the competent authority while passing any orders.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents and submits that let the petition be disposed of in terms of the statement made by him. However, he submits that authorities be directed to do the needful within a specified time.

To this, learned counsel for the respondents submits that the competent authority shall pass the necessary orders within a period of 4 weeks from today and shall communicate the decision to the petitioner.

In the wake of the position, as sketched out above, the petition is accordingly disposed of, in terms of the statement made by learned counsel for the parties.

This Court is sanguine that the competent authority would consider the claim of the petitioner in the right earnest. And the appropriate orders shall be passed within the time indicated by learned counsel for respondents.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated above, the authority shall examine the grievance of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

06.05.2024
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No