



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17351-2024(O&M)
Date of decision: 01.08.2024

M/s R.S. Enterprises
... Petitioner
Versus
Municipal Corporation, Gurugram and others
... Respondents

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

Present: Mr. Rajesh Lamba, Advocate,
for the petitioner.
Mr. Ankur Mittal, Advocate,
Ms. Kushaldeep Kaur, Advocate, and
Ms. Saanvi Singla, Advocate, for the respondents.

ARUN PALLI, J. (Oral)

In essence, the petitioner (M/s R.S. Enterprises) is aggrieved by the order dated June 25, 2024 (P-32), passed by the Executive Engineer-SBM, Municipal Corporation, Gurugram (MCG). Whereby, the petitioner has been debarred from participating in MCG tenders till further orders.

Learned counsel for the petitioner submits that apparently the impugned order is erroneous and unsustainable, for it was passed without issuance of any show cause notice or affording any hearing to the petitioner.

On instructions, learned counsel for the respondents fairly submits that in the given circumstances, the petitioner ought to have been issued a notice to show cause before any such order was passed. Accordingly, he submits that the impugned order, whereby the petitioner was debarred to participate in the tenders floated by MCG till further orders, be deemed to have

been recalled/withdrawn. He submits that competent authority shall now proceed to take a decision afresh in the matter after affording due and adequate opportunity to the petitioner. And appropriate orders in this regard shall be passed in accordance with law, if so advised.

That being so, learned counsel for the petitioner submits that nothing substantive survives in the petition and the same be disposed of in terms of the statement made by learned counsel for the respondents.

Ordered accordingly.

However, in case any cause of action still survives or the petitioner is aggrieved by the order passed by the authority in future, it shall be at liberty to avail such other remedies as shall be admissible in law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

01.08.2024
Rajan

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