



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 17539 of 2024

Date of decision: 31.07.2024

M/s Vision India Infratech

.... Petitioner

Vs.

State of Haryana and others

.... Respondents

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

Present: Mr. Varun Singh Dhanda, Advocate
for the petitioner.
Mr. Ankur Mittal, Addl. A.G. Haryana with
Mr. Karan Jindal, Asstt. A.G. Haryana and
Ms. Kushaldeep Kaur, Advocate.

ARUN PALLI, J (Oral)

A certiorari is prayed for to quash the order dated July 16, 2024 (P-20) issued by the Municipal Corporation, Gurugram (respondent No.5) vide which performance security of Rs.4,58,100/- remitted by the petitioner has since been forfeited and the petitioner has also been required to deposit Rs.10,69,000/- on account of penalty. And, also the order dated July 19, 2024 (P-25) vide which the petitioner was conveyed that the competent authority had taken a decision to debar it from participating in Municipal Corporation, Gurugram (MCG) tenders, till further order.

Learned counsel for the petitioner submits that, *ex facie*, the orders that are being assailed are erroneous and unsustainable, for, Clause 54 of DNIT, pursuant where to order dated July 16, 2024 (*ibid*) was alleged to have been passed, is neither germane to the matter in issue nor has any application to the facts of the present case. Similarly, he asserts that although the petitioner is alleged to have been debarred but there does not exist any formal decision on record whereby the competent authority has debarred/blacklisted the petitioner. Further, the said order is alleged to have been passed as per Clause 38 of the tender documents, whereas, it deals with the completion of the work as per drawings. At any rate, he asserts that the order of blacklisting the petitioner had been passed without issuing any



show cause notice or affording it any hearing. Further, it is urged that action of the respondent authorities, in its entirety, is unsustainable, for the petitioner was assigned the contract for providing and laying sewer line having I/D 600 MM SW pipes from Badshahpur drain to Umang Bhardwaj Chowk, Ward No.13, Zone-2, Gurugram, under MCG area. It is submitted that the said product was/is not available anywhere in India and, therefore, impossible to procure. So much so, he submits that the authorities being cognizant of this difficulty, had revised the necessary specifications, as regards the product in question, in the other tenders. Whereas, it is submitted that request of the petitioner for revision of the specifications to enable it to supply the merchandise has not been addressed.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, is present in Court on behalf of the respondents.

After we had heard the matter at some length, learned State counsel had prayed for a pass over to seek instructions from the competent authority. And, now during the resumed hearing, he submits that the impugned orders dated July 16, 2024 (P-20) as also July 19, 2024 (P-25), be deemed to have been withdrawn/recalled, for, the authorities shall now proceed afresh from the stage of issuance of show cause notice dated July 03, 2024, that was concededly served upon the petitioner. And, even reply thereto stands filed. Further, he submits that the petitioner shall be at liberty to furnish any fresh documents/material in support of its claim within three days from today. He asserts that the petitioner may appear before the Commissioner, Municipal Corporation, Gurugram, in his office on 05.08.2024 at 11.30 AM. Whereupon, the competent authority shall consider its claim and pass appropriate orders in accordance with law. Learned State counsel, as always, fairly submits that till any formal decision is taken, the authorities shall not issue any fresh NIT. And, will not proceed with the tendering process initiated pursuant to the fresh NIT.

Learned counsel for the petitioner is agreeable to the course suggested by the learned State counsel and submits that let the petition be disposed of in terms of the statement made by him.



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

This Court is sanguine that the authority shall consider/examine the matter in the right earnest, and pass appropriate orders, assigning reasons in support thereof.

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 earlier, the competent authority shall examine the grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

31.07.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No