



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

CWP-19506-2024

Date of decision: 12.08.2024

M/s Sunil Garg

....Petitioner

Versus

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.**

ARUN PALLI, J. (Oral)

A Certiorari is prayed for, to quash the order dated 13.06.2024 (P-17), vide which, the Executive Engineer-II, Municipal Corporation, Gurugram (respondent No.5), has terminated the contract assigned to the petitioner, and also debarred it for a period of two years. And an amount of Rs.6,68,400/- deposited by it, as earnest money/performance security, has also been forfeited.

Learned counsel for the petitioner submits that the petitioner, vide letter of acceptance dated 20.12.2023 (P-10), was assigned a contract for providing and laying of BM and BC Layer on 10 Mtr., 12 Mtr., 15 Mtr. and 18 Mtr. wide road in Sector-23/A, Ward No.2, Zone II, Gurugram. Further, he submits that per the contract, the work was to be commissioned on 30.12.2023 and to be executed/completed by 29.03.2024. However, he asserts that the restrictions imposed by the National Green Tribunal were in operation, when the petitioner was assigned the work, which were revoked on 27.02.2024. Therefore, he submits that the petitioner had barely a month to execute the work. At any rate, the petitioner commenced the work at site on 15.05.2024, but again, it had to be stopped, for the subject site was encumbered or for



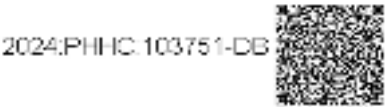
lack of site clearance. Not just that, he submits that the delay in execution of project is also attributable to the request of the members of a Resident Welfare Association, for the work by Haryana City Gas (HCG) was in progress. Thus, it is submitted that apparently, the impugned order is arbitrary, harsh and unjust. So much so, even debarment of the petitioner for a period of two years, as also forfeiture of the performance security, is unsustainable. It is also submitted that post cancellation of the contract, though the respondent authorities had floated a new tender on 25.07.2024, but the same was scrapped, for lack of adequate response. It is urged that prior to the institution of this petition, the petitioner had even served the respondent authorities with representations dated 14.06.2024 (P-18) and 26.07.2024 (P-20), as regards its concerns/grievances, but to no avail.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, along with Ms. Kushaldeep Kaur, Advocate, is present in Court. At the outset, he, on instructions, submits, for the competent authority is already in seisin of the concerns/grievances of the petitioner, it would be expedient if this petition is disposed of, at this stage, to enable the respondent authorities to consider and pass necessary orders on its representations (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, authorized representative(s) shall be heard. And a formal communication, in this regard, shall also be issued, well in advance.

Learned counsel for the petitioner is in agreement with the course suggested by learned State counsel and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the matter being time sensitive, the authorities be directed to do the needful, within a specified time.

In response, learned State counsel submits that appropriate orders shall be passed within a period of two weeks from today.

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



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 learned State counsel.

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

12.08.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No