

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21950-2024 (O/M)

Date of decision : 01.10.2024

Gurgaon Waste Management System Pvt. Ltd. and another
..... Petitioner

Versus

State of Haryana and another
..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. R. Kartikeya, Advocate
for the petitioners.

Ms. Upasana Dhawan, AAG Haryana.

Mr. Ankur Mittal, Ms. Kushaldeep Kaur,
Ms. Naina Jindal, Advocates,
for respondent No. 2.

-. -

-. -

HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India is for issuance of a writ in the nature of certiorari for setting aside the order dated 26.07.2024 and letter dated 09.08.2024 (Annexure P-12 and Annexure P-13, respectively), whereby the petitioners have been ordered to be De-Empanelled as authorized vendor for Category-II Management of Wet Waste.

2. Learned counsel for petitioners submits that before passing the impugned orders, the concerned authority has not afforded any opportunity of hearing to the petitioners, therefore, on this short ground alone, the writ petition is liable to be allowed by setting aside the impugned order/letter (Annexure P-12 and Annexure P-13).

3. Notice of motion.

4. Ms. Upasana Dhawan, AAG Haryana and Mr. Ankur Mittal, Advocate accept notice on behalf of respondent No. 1-State and respondent No. 2, respectively.

5. Learned counsel for respondent No. 2 has very fairly stated that indeed no opportunity of hearing had been afforded to the petitioners before passing of the impugned orders (Annexure P-12 and Annexure P-13) and, therefore, the same would be unsustainable in the eye of law, being contrary to the principles of natural justice.

6. Keeping in view the fair stand taken by learned counsel for respondent No. 2, the impugned order dated 26.07.2024 and letter dated 09.08.2024 (Annexure P-12 and Annexure P-13, respectively) are set aside. Let the authorities issue a fresh show cause notice to the petitioners and pass a fresh order after affording due opportunity of hearing to all the concerned parties.

7. Disposed of accordingly.

8. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

01.10.2024
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No