



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

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CWP No.22184 of 2024
Date of decision: 23.09.2024

Angrej Singh

....Petitioner

V/s

State of Punjab and others

....Respondents

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

Present: Mr. Anant Bir Singh Sidhu, Advocate, for the petitioner.
Mr. Jastej Singh, DAG, Punjab, for respondents-State.
Mr. Sunish Bindlish, Advocate, for respondents-FCI.

VIKRAM AGGARWAL, J.

1. The petitioner (Angrej Singh) assails the order dated 06.07.2024 (Annexure P-11) passed by respondent No.3, the order dated 08.07.2024 (Annexure P-12) passed by respondent No.2 and order dated 08.08.2024 (Annexure P-15) passed by respondent No.1.

2. The case has a slightly chequered history. An advertisement for Labour and Cartage at Centre Ajitwal Cluster 1, 2 and 3, District Moga, was issued by the State of Punjab, under the Punjab Food Grains Labour and Cartage Policy 2023. The petitioner was also a bidder. However, his technical bid was rejected on the ground that in the list of labourers, one person Jagsir Singh was stated to be fake. Tender was allotted to the successful bidder. The contract was till 31.03.2024, which was extended in

the entire State of Punjab till 30.06.2024. After one year of rejection of the



bid, one Jagdish (respondent No.6) submitted a complaint dated 08.03.2024 (Annexure P-2) against the petitioner seeking action against him for having submitted the Aadhaar Card of a dead person. The said Jagdish was not a bidder in the tender and is stated to have been planted by some competitor of the petitioner.

3. A show cause notice dated 24.05.2024 (Annexure P-3) was issued to the petitioner, to which reply dated 28.05.2024 (Annexure P-4) was submitted. Accepting the plea of the petitioner, the complaint filed by Jagdish was rejected on 05.06.2024 (Annexure P-5).

4. Subsequently, in March 2024, the petitioner submitted his bid for handling and transport contract for Centre Raikot, floated by respondent No.5 (Food Corporation of India). However, the same was scrapped and a fresh tender enquiry dated 17.05.2024 was issued, for which the petitioner also submitted his bid. Vide order dated 01.07.2024 (Annexure P-6), the bid of the petitioner was accepted.

5. Despite rejection of the complaint of respondent No.6, one Sukhvir Singh instituted CWP-14897-2024 titled *Sukhvir Singh vs. State of Punjab*, challenging the order dated 01.07.2024, whereby the technical bid of the petitioner had been accepted. The said writ petition was disposed of vide order dated 03.07.2024 (Annexure P-8), on a statement made by learned State counsel that the respondent-authorities would decide the matter after hearing all sides within a period of three days.

6. In the meantime, a notice dated 05.07.2024 was received by the petitioner in some appeal titled *Jagdish vs. DTC, Moga*, directing him to appear on the same day at 3.30 p.m. The petitioner later on came to know



that this appeal had been preferred against the order dated 05.06.2024, vide which the complaint of respondent No.6 had been dismissed. The notice for appearance was received by the petitioner on 05.07.2024 (Annexure P-9) at 2.30 p.m. that he was called at 3.30 p.m. He, however, saw the e-mail at 5.15 p.m. Since 06.07.2024 and 07.07.2024 were non-working days, the petitioner sent an email on 08.07.2024 (Annexure P-10) in this regard.

7. Upon enquiry, the petitioner was informed that the appeal had been allowed on 06.07.2024 (Annexure P-11) which was Saturday and the order dated 05.06.2024 had been set aside. Vide Annexure P-11, the impugned orders were set aside and the DTC, Moga (respondent No.2) was directed to consider the matter afresh.

8. The District Tender Committee, Moga passed the order dated 08.07.2024 (Annexure P-12), without hearing the petitioner and blacklisted him.

9. The petitioner then approached this Court by way of CWP-15899-2024, impugning the said orders, but withdrew the same on 12.07.2024 (Annexure P-13) to file an appeal.

10. Second appeal was filed before respondent No.1 on the same day, and vide order dated 08.08.2024 (Annexure P-15), the second appellate authority remanded the appeal to the first appellate authority against the order dated 08.07.2024 leading to the filing of the instant petition.

11. We have heard learned counsel for the parties.

12. Learned counsel for the petitioner submits that the remand of the matter by the second appellate authority is erroneous because the petitioner had not only challenged the order of blacklisting but had also



challenged the initial order dated 06.07.2024 (Annexure P-11), vide which the first appellate authority had remanded the matter to the DTC. It has been submitted that the second appellate authority had erred in remanding the matter to the first appellate authority.

13. Faced with this, learned counsel for the State is enable to defend the said order especially when the initial order of remand (Annexure P-11) had also been challenged before the second appellate authority.

14. Learned counsel for the State, therefore, submits that instead of relegating the petitioner to different authorities, the second appellate authority will examine the entire issue, which would include the complaint of Jagdish Singh, the legality of the order dated 06.07.2024 (Annexure P-11), the order dated 08.07.2024 (Annexure P-12) and any other issue pertaining to the present petitioner Angrej Singh pending before the first appellate authority and that before deciding the aforesaid issues, an opportunity of hearing shall also be granted to all concerned and further that all questions arising for consideration including the question of violation of the principles of natural justice, as alleged by the petitioner, would be decided by the second appellate authority, as expeditiously as possible and not later than a period of four weeks from today.

15. Learned counsel for the petitioner is agreeable to the aforesaid course suggested by learned counsel for the State and submits that the instant petition be disposed of in terms of the statement made by learned counsel representing the State of Punjab.

16. Accordingly, the writ petition is disposed of in terms of the statements made by learned counsel for the parties binding them to the same.



17. This Court is sanguine that the authority concerned shall pass appropriate orders, in accordance with law, within the time indicated by learned counsel for the respondents, assigning reasons in support thereof.
18. 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 second appellate authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI) (VIKRAM AGGARWAL)
JUDGE JUDGE

September 23, 2024
vcgarg

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