

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CWP No.27726 of 2024  
Date of decision: 16.10.2024

Rajender Contractor

....Petitioner

V/s

State of Haryana and others

....Respondents

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

Present: Mr. Jagdeep Singh Rana, Advocate, for the petitioner.  
Mr. Ankur Mittal, Addl. Advocate General, Haryana with  
Mr. Karan Jindal, AAG, Haryana, for respondents No.1 and 2.  
Mr. Ankur Mittal, Advocate, and  
Ms. Kushaldeep Kaur, Advocate, and  
Ms. Saanvi Singla, Advocate, for respondents No.3 and 4.

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VIKRAM AGGARWAL, J.

1 The petitioner has prayed for the following substantive relief:-

*“Petition under Article 226/227 of the constitution of India for the issuance of an appropriate writ order or direction in the nature of certiorari/mandamus seeking quashing of the impugned order / letter dated 12.06.2024 (Annexure P-6) as well as 21.05.2024 (Annexure P-5) whereby the agreement of the petitioner has been terminated illegally and the petitioner has been debarred for two years from participating in the online bids and finally, the earnest money has been forfeited by the respondent, the entire action of the respondent is in violation of the principle of natural justice as no opportunity of hearing has been afforded to the petitioner by the respondent prior to passing the impugned order dated 12.06.2024 despite the fact that the representation of the petitioner regarding the same is pending consideration before the respondents;*

*and/or*

*Further for issuance of such other writ, order or*



*direction in the nature of certiorari/mandamus while quashing the impugned order dated 12.06.2024 as the same has been passed by the incompetent authority and without any jurisdiction, as per the conditions of the DNIT only Commissioner is competent to pass such order, however, to the matter in hand, the impugned order has been passed by the Executive Engineer who is not competent to pass the impugned order;*

*and/or*

*Further for issuance of such other appropriate writ, order or direction in the nature of mandamus directing the respondent to permit the petitioner to participate in the bids without influenced by the impugned order dated 12.06.2024; and/or Further for issuance of such other appropriate orders as this Hon'ble court may deem fit and proper in the facts and circumstances of the case and in the interest of justice and fair play.”*

2. Learned counsel for the petitioner submits that the impugned orders are palpable illegal, for no show cause notice was issued to the petitioner qua debarment and despite that, vide order dated 12.06.2024 (Annexure P-6), apart from terminating the agreement, the petitioner has been debarred for a period of two years and the earnest money has also been forfeited. Learned counsel submits that aggrieved by the impugned orders, a request (Annexure P-7) for reconsideration was submitted by the petitioner on 28.06.2024, pursuant to which, vide order dated 06.08.2024 (Annexure P-9), a committee consisting of three officials was constituted to examine the representation submitted by the petitioner but even the committee has not taken any decision. Learned counsel submits that the gross illegality committed by the respondents has gravely harmed the interests of the petitioner, for on account of the debarment, the petitioner is unable to



3. Mr. Ankur Mittal, learned Addl. Advocate General, Haryana, who has caused appearance on advance copy having been served, submits that the non-performance of the petitioner led to the termination of the agreement, forfeiture of the earnest money and debarment. He, however, fairly concedes that the order of debarment was passed without issuance of a show cause notice to the petitioner and that under the circumstances, the same is not defensible. He submits that the order of debarment be, therefore, treated as withdrawn. He further submits that the respondents shall take a fresh decision as regards the debarment after issuing a show cause notice to the petitioner and shall pass a fresh order in accordance with law, within a period of four weeks from today. As regards the issue of termination of the agreement and forfeiture of earnest money deposit, he submits that the committee constituted for the said purpose vide order dated 06.08.2024 (Annexure P-9) shall take a final call within a period of four weeks from today and shall decide the said issue/s in accordance with law.

4. Learned counsel for the petitioner is agreeable to the course suggested by learned counsel representing the State of Haryana and submits that the writ petition be disposed of in terms of the statement given by him.

5. In view of the aforesaid, the writ petition is disposed of in terms of the statements made by learned counsel for the parties binding them to the same.

6. This Court is sanguine that the authorities concerned shall pass appropriate orders, in accordance with law, after complying with the principles of natural justice, within the time indicated by learned counsel for the respondents, assigning reasons in support thereof.



7. 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 authority concerned shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI) (VIKRAM AGGARWAL)  
JUDGE JUDGE

October 16, 2024  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |