



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.30485 of 2024 (O&M)
Date of Decision: 02.12.2024.

Dashmesh Logistics

....Petitioner

Versus

Union of India and others

....Respondents

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

Present: Mr. Kshitij Sharma, Advocate
for the petitioner.

Mr. Ashish Kapoor, Advocate and
Mr. M.S. Rana, Advocate
for the respondent-Indian Oil Corporation Limited.

VIKRAM AGGARWAL J.

CM-19438-CWP-2024

For the reasons mentioned in the application, the same is
allowed. The counter-affidavit along with photographs are taken on
record as Annexure P-8.

Main Case

The petitioner has prayed for the following substantive
relief:-

*“Civil Writ Petition under Article 226/227 of the Constitution of
India for issuance of a writ in certiorari/mandamus or pass any
other order/direction, with the prayer to direct the respondent
Corporation to cause/launch an investigation, to probe into the
apparent vices/illegalities presented by bidders with lowest age
tank trucks, because firstly, there are multiple safeguards/clauses*



in the DNIT dated 29.07.2024 (Annexure P-1) against such practices which have been detailed in Para No. 3 and 4 (g) of this writ petition, yet the same are not being adopted, despite the clear information/representation dated 25.10.2024, 26.10.2024 (Annexure P-3 and Annexure P-4 respectively) and by the petitioner, who is one of the bidder in the tender selection process; secondly, the documents/licenses i.e. RTO Registration and PESO Licenses have been secured by such bidders without adhering to proper procedure and shockingly even without there being a 'ready TT' which is the main requirement of the DNIT; thirdly, such procured/fictitious certificates are the sole basis for such bidders to claim that they have applied in the tender process through ready TTs; fourthly, without such false representations, such bidders are not even eligible to participate in the ready TT category.

And/or

If deemed appropriate and necessary by this Hon'ble Court, then issue a writ in certiorari/mandamus or pass any other order/direction, with the prayer to quash Conditions-Clause XI (16) @ Pg. 13 of the DNIT and Clause 16 @ Pg. 26 of the DNIT(Annexure P-1) in case, these Conditions might be used as a justification by the respondent Corporation to justify their inaction against the bidders indulging in securing the tender based on false information and procured documents/licenses i.e. RTO Registration and PESO Licenses because of the reasons averred in Para No. 4 (g) of this writ petition."

2. During the course of arguments, learned counsel for the petitioner submits that before instituting the present writ petition, the petitioner had served a legal notice dated 25.10.2024 (Annexure P-3) upon the respondents but the same did not evoke any response. He



submits that the respondents did not deliberately respond to the legal notice for they did not wish to address the issues raised by the petitioner.

3. Sh. Ashish Kapoor, learned counsel representing respondents No.2 and 3 (Indian Oil Corporation) vehemently opposes the allegations levelled in the petition and submits that there has be no violation of any provision by respondents No.2 and 3. He, however, fairly submits that respondents No.2 ad 3 will duly consider the legal notice dated 25.10.2024 served by the petitioner and shall pass a speaking order as regards the issues raised in the same. He further submits that before doing so, all stake-holders shall be duly heard. For which, due information shall be given to them enabling them to appear before the authority concerned. He also submits that the speaking order shall be passed within a period of four weeks from today.

4. Learned counsel for the petitioner is agreeable to the aforesaid course suggested by learned counsel representing respondents No.2 and 3 and submits that the writ petition be disposed of in the said terms.

5. The writ petition is accordingly disposed of in terms of the statements given by learned counsel representing the parties binding them to the same. The Court is sanguine that the authority concerned shall pass a speaking order in accordance with law after affording due opportunity of hearing to all concerned.

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)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

December 02, 2024
Rekha

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