

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3849 of 2011 (O&M)
Date of Decision: 30.08.2011

M/s Gopal Krishan Meeru Furnishers through its Proprietor Shri Gopal Krishan son of Piara Lal, Opp. Allexandra School Queens Road, Amritsar.
... Petitioner

Versus

Union of India, through its Secretary, Ministry of Defence, Government of India, New Delhi and another.
... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ranjan Lakhanpal, Advocate,
for the petitioner.

Mr. Sandeep Punchi, Advocate,
for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment? NO
2. To be referred to the reporters or not? NO
3. Whether the judgment should be reported in the digest? NO

K. KANNAN, J. (Oral)

1. The petitioner's grievance for being delisted from the Contractors' list registered with the Military Engineering Services is resisted by the respondents pointing out to the fact that a communication was issued on 08.02.2010 informing the petitioner that the Government of India had issued an comprehensive statement giving revised details for the manner of enlisting the approved Contractors but there had been no response at all by the petitioner. The petitioner would contend that for an A Class Contractor with an upper limit of ₹15 lacs, there is no requirement of such application. It is further denied that the petitioner has ever received a communication dated

08.02.2010. The respondents contend that there is a direction for an appeal against the decision of delisting and the writ petition filed, without exhausting the remedy available, is not maintainable.

2. I would not fetter the right of the petitioner for approaching this Court by reference to an alternative remedy pleaded by the respondents, since the petitioner states that even in the first place, there had been no communication at all issued on 08.02.2010 for him to avail of such a remedy or to submit documents, such as an application for reclassification and the list of works executed for five years prior to the date of application. Having regard to the limited area of controversy, in my view, justice shall be made to the petitioner by directing him to take notice of the communication referred to by the respondents and submit the necessary application as required in the abovesaid letter. All the details, which were sought to be secured through a communication will continue to govern the rights of the parties except that the last date for receipt of the application, which is mentioned in the communication dated 08.02.2010, will stand relaxed and the petitioner will at liberty to submit the necessary application for reclassification with appropriate upper limit of value of contract works 30 days from today. If such, an application is given with the requisite documents, the respondents will take appropriate decision with a further period of 4 weeks from the date when the application is received.

3. The impugned order is quashed and the writ petition is disposed of as above.

AUGUST 30, 2011
Rajan

(K. KANNAN)
JUDGE

