

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 12364 of 2015 (O&M)

Date of Decision: 03.09.2015

Radha Raman Contractors Pvt. Ltd.

--Petitioner

Versus

State of Punjab & others

--Respondents

**CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR.
HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. Puneet Sharma, Advocate for the petitioner.

Mr. Rajinder Goyal, Addl. A.G., Punjab.

Mr. Ashok Kumar Bajaj, Advocate for
respondents no.2 and 3.

Mr. Atul Goyal, Advocate for respondent no.5.

S.J. VAZIFDAR, A.C.J. (Oral)

1. The petitioner has challenged the tender process initiated by respondent no.2 inter alia by contending that some of the terms and conditions of the notice inviting tender are invalid.

2. It is not necessary to consider the petitioner's contentions in this regard in view of the fact that the petitioner has been blacklisted by respondent no.1 in respect of a contract entered into between a firm M/s Bhola & Company of which the petitioner was a partner at the material time. By an order dated 17.12.2014 the Deputy Commissioner, Ludhiana blacklisted M/s Bhola & Company and the partners from taking part in the bid of any contract within the District Administrative Complex. The blacklisting is in respect of a contract and pertains to the acts of commission and omission during the period when the petitioner was a partner of M/s Bhola & Company. That the petitioner ceased to be a partner with effect

from 30.9.2014 on account of the dissolution of the firm would make no difference. There is nothing to indicate that when the order was passed the attention of the Deputy Commissioner, Ludhiana was invited to the alleged dissolution of the firm. In any event the mere dissolution of the firm would make no difference. Clause 6 of the notice inviting tender by respondent no.2 reads as follows:-

“6. The contractor is required to annex/submit EPF No., ESI certificate, registration under Labour Act, 1970, Service Tax, PAN No., Income Tax Returns of preceding three years, affidavit that the bidder has not been blacklisted duly attested by Magistrate and work agreement/experience certificate that he has done business of Rs.20 lacs in atleast one year out of the last three years in parking site business/contract or in such other related fields with some government or semi government department.”

3. Unless and until the order blacklisting the petitioner is set aside, it is not possible to entertain this writ petition. The petition is, accordingly, disposed of on this limited issue.

4. The petitioner is at liberty to adopt appropriate proceedings in respect of the blacklisting order. Liberty is also granted to the petitioner to apply afresh in the event of the order of blacklisting being set aside or stayed.

Disposed of.

(S.J. Vazifdar)
Acting Chief Justice

(Tejinder Singh Dhindsa)
Judge

03.09.2015
lucky