

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.17511 of 2015 (O&M)

Date of decision:07.10.2015

Pioneer Publicity Corporation Pvt. Ltd.

... Petitioner

v.

Chandigarh Housing Board & others

... Respondents

CORAM: *HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE.
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.*

Present: Mr. Sanjiv Bansal, Advocate and
Mr. Aditya Grover, Advocate for the petitioner.

Mr. S.K. Sharma, Senior standing counsel with
Ms. Bhawna Joshi, Advocate for the respondents.

...

S.J. VAZIFDAR, ACTING CHIEF JUSTICE.

The petitioner has challenged an order dated 27.07.2015 (Annexure P-1) blacklisting the petitioner for indefinite period of time. The order reads as under:

“The agency M/s Pioneer Publicity Corporation Pvt. Ltd., 274, CM-1, Office Complex, Jhandewalan, New Delhi, submitted fake performance certificate in connection with a tender invited by Chandigarh Housing Board for the work of Running and Maintenance of 5 Nos. Public Toilets (Three Nos. in city sub centre, Sector-34 and One No. each in Motor Market of Sector-38 (West) & Sector-48, Chandigarh). Therefore the agency stands blacklisted with immediate effect for perpetuity.

Sd/-

*Dr. S.B. Deepak Kumar, I.A.S.
Chief Executive Officer,
Chandigarh Housing Board,
Chandigarh”*

2. It is unnecessary to consider Mr. Sanjiv Bansal's various submissions on behalf of the petitioner as the petition cannot be disposed of on one ground alone.

3. The impugned order contains no reasons. It only contains a finding that the petitioner has submitted a fake certificate. The main issue in this case is whether the petitioner along with his tender had submitted the completion certificate dated 06.12.2011 (Annexure P-7) bearing reference No.1000170 as contended by the petitioner or an alleged completion certificate dated 06.06.2012 (Annexure P-14) as contended on behalf of the respondents. The petitioner does not contend that he had submitted the certificate dated 06.06.2012 at all. The impugned order, therefore, fails to address the main dispute in this case. This is despite the fact that in the reply to the show cause notice this aspect has been specifically raised.

4. In the circumstances, the impugned order is set aside. The respondents are at liberty to pass a fresh order after affording the petitioner an opportunity of being heard. The proceedings regarding the show cause notice shall be concluded by 30.11.2015. The petitioner shall attend the office of the respondents as mentioned in the title of this petition at 11.00 A.M. on 12.10.2015 and without further notice thereafter as directed by the officer concerned.

5. The Writ Petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

07.10.2015
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