

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: - 30.9.2015

(1) CWP No. 4742 of 2015 (O&M)

M/s Rupana Petro Point

...Petitioner.

versus

Union of India and others

....Respondents.

(2) CWP No. 4798 of 2015 (O&M)

M/s Om Parkash Jindal

...Petitioner

versus

Union of India and others

.....Respondents.

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

Present: - Mr. T.P.S. Tung, Advocate for the petitioner.
Mr. Ashish Kapoor, Advocate for respondents.

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S.J.Vazifdar, J (Oral)

These two writ petitions were disposed of on 08.04.2015 by a common order and judgment along with several other writ petitions. The said order was recalled by an order dated 10.07.2015 so far as the present petitions are concerned. Both these writ petitions have been placed before us for fresh hearing.

2. The petitioners' case is in fact covered by an order and judgment of a Division Bench of this Court dated 08.04.2015 passed in a group of writ petitions, one of which is *M/s Paramveer Auto Fuels vs. Indian Oil Corporation Ltd and others*, Civil Writ Petition No. 4657 of 2015. The petitioners' reliance upon a communication dated 28.1.2015 is of no assistance.

The said communication reads as under: -

"Recently some TTs were blacklisted at Bathinda Terminal, as their TT crews indulged in tampering Automation filling system. Following such-RO dealers (M/s Maur S/S, M/s Sukhmani Auto Fuels, M/s Om Parkash Jindal & Bros. and M/s Rupana Petro Point) have sent their representations to ED, PSO.

They have represented that since they received the communication wrt blacklisted of their TTs after their submission of documents against the subject Tender; their Tenders should not be rejected on the ground that the quoted TTs have been blacklisted.

It has been decided that such blacklisted TTs, if quoted by the RO dealers in the recent PT ex- Bathinda, will be treated as valid for evaluation of the Tenders. However, the RO Dealers will have to replace the same within the stipulated time, as decided by the Corporation.

The above message may please be conveyed to the concerned RO dealers, at your end."

3. The Division Bench of this Court in the order and judgment dated 8.4.2015 observed as under: -

"We have heard learned counsel for the parties and find no merit in the writ petition. Show cause notice (Annexure P-1) was issued on 28.06.2014 pointing out that 6790 liters of High Speed Diesel was loaded in excess and that it was to the tune of 18 times of excess load. The petitioner submitted its reply on 11.07.2014, however, final decision of black listing of tanker trolley engaged in excess loading of High Speed Diesel was passed on 31.12.2014."

4. The petitioners' bid included the black listed trucks. Thus, the communication is of no assistance to the petitioners. To reiterate the present petitions are covered by the Division Bench judgment of this Court in *M/s Paramveer Auto Fuels's* case (supra).

5. Both the petitions are therefore, dismissed.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

30.9.2015

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