

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Civil Writ Petition No.10534 of 2016 (O&M)
Date of decision: November 22, 2016

M/s Kishley Cables and Steels LimitedPetitioner

versus

Union of India and anotherRespondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Jagmohan Bansal, Advocate for the petitioner(s).

Mr. Vivek Singla, Advocate for respondent No.1-UOI.

AJAY KUMAR MITTAL, J. (Oral)

1. This order shall dispose of two writ petitions bearing Civil Writ Petition Nos.10534 and 11854 of 2016 as learned counsel for the parties state that the issue involved therein is identical. For brevity, the facts are being extracted from Civil Writ Petition No.10534 of 2016.

2. The challenge in this writ petition filed under Articles 226/227 of the Constitution of India is to the order dated 06.02.2016 (**Annexure P-4**) whereby the petitioner-Firm has been blacklisted for the future tenders without specifying the period of blacklisting.

3. The primary challenge for quashing the impugned order (Annexure P-4) is that the said order is a non-speaking order and had been passed without affording an opportunity of hearing to the petitioner.

4. Mr. Vivek Singla, Advocate for respondent No.1, on instructions received through a copy of the letter dated 22.11.2016 addressed to him, states that the impugned order dated 06.02.2016

(**Annexure P-4**) regarding blacklisting/banning the petitioner may be

withdrawn. However, a prayer was made that liberty be granted to the concerned respondent to pass a fresh order in accordance with law regarding blacklisting or debarring the petitioner after affording an opportunity of hearing to it and by passing a speaking order. A copy of the said communication is taken on record, subject to all just exceptions.

5. In view of the statement made by learned counsel for respondent No.1-Union of India, the order dated 06.02.2016 (Annexure P-4) in both the petitions is treated to have been withdrawn and therefore, the same have become inoperative and non-existent. The writ petitions are disposed of accordingly. However, liberty is granted to the concerned respondent to pass fresh orders in accordance with law after affording an opportunity of hearing to the petitioner(s) and by passing speaking orders regarding blacklisting or debarring it within a period of one month from the date of receipt of certified copy of this order.

6. In view of disposal of the main petitions, Civil Misc. Nos.12420 and 12422 of 2016 for vacation of stay have become infructuous and the same are disposed of as such.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

November 22, 2016
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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No