

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.11851 of 2015 (O&M)
DATE OF DECISION: 20.01.2016

M/s Aalok Enterprises

....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Raman Singh Dhanda, Advocate for the petitioner

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana

Mr. Lokesh Sinhal, Advocate for respondent No.2

..

S. J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

The petitioner has challenged an order dated 04.04.2014 blacklisting it for a period of three years. This petition was filed on 20.05.2015 i.e. more than a year after the impugned order.

2. The show cause notices were served upon the petitioner. The impugned order was passed only after the petitioner failed to respond to the same. The impugned order, therefore, cannot be faulted either for the conclusion or for the basis upon which the conclusion was arrived at. The impugned order records that the petitioner had not only not completed the work but that the failure resulted in the respondents having suffered serious losses in regard to time and resources. The petitioner, however, contends that it did not receive the show cause notice. The show cause notices, however, were served upon the petitioner by RPAD at the address furnished in the contract agreement between the parties. If

the petitioner changed its address, the respondents cannot be held responsible for not having served the notice at the changed address.

3. However, with a view not to leave any scope for grievance, we intend granting the petitioner an opportunity, only by way of indulgence, to have the show cause notice regarding the proposed blacklisting decided on merits. The respondents shall pass a fresh order after affording the petitioner an opportunity of being heard by 31.03.2016.

It is made clear that the impugned order of blacklisting is not set aside and that the same shall only be substituted by the fresh order. The petitioner shall, without further notice, appear, in the first instance, at 11.00 A.M. on 08.02.2016, as requested by the petitioner and thereafter as directed by the officer concerned. The issue regarding blacklisting, therefore, will not be urged before the Lokayukta. Needless to clarify that the fresh order even if adverse to the petitioner cannot extend the period of blacklisting already imposed by the impugned order.

(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE

20.01.2016
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(ARUN PALLI)
JUDGE