

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-21673-2016

Date of decision: 04.11.2016

M/s HCL Services Ltd.

..... Petitioner

Versus

The Bhakra Beas Managemnet Board and another

..... Respondents

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

PRESENT: Mr. Rohit Khanna, Advocate for the petitioner.

Mr. Rajesh Garg, Senior Advocate with
Ms. Nimarta Shergill, Advocate for the respondents.

AJAY KUMAR MITTAL, J. (ORAL)

1. The petitioner by way of present writ petition under Articles 226/227 of the Constitution of India, has laid challenge to the order dated 06.09.2016 (Annexure P-1) passed by respondent No. 1 through its Officer-respondent No. 2 whereby the petitioner-Company was blacklisted/debarred from entering into any business for the next five years.

2. On October 20, 2016, learned counsel for the petitioner *inter alia* submitted that the impugned order of blacklisting/debarring the petitioner was passed without affording an opportunity of hearing and by passing a non-speaking order and following order was passed on the said date:-

alia relies upon (i) M/s MSV International Vs. HSRDC, 2012 (4) RCR (Civil) 770; (ii) Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai and others, 1999 (1) RCR (Civil) 220; (iii) Kulja Industries Ltd. Vs. Chief General Manager W.T. Proj. BSNL and others, AIR 2014 SC 9; (iv) Harbanslal Sahnia and another Vs. Indian Oil Corporation Ltd. and others, AIR 2003 SC 2120 and (v) Gorkha Security Services Vs. Govt. of NCT of Delhi and others, 2014 (146) DRJ 1 [SC], to contend that the petitioner has been black-listed/debarred vide impugned communication/order dated 06.09.2016 (Annexure P-1) without affording an opportunity of hearing and by passing a non-speaking order.

Notice of motion to the respondents for 04.11.2016.

Notice re:stay as well.

Process dasti only.”

3. Learned senior counsel for the respondents on instructions submitted that the impugned order Annexure P-1 blacklisting/debarring the petitioner may be set aside. However, liberty be granted to the respondents to pass a fresh speaking order in accordance with law and after affording an opportunity of hearing to the petitioner.
4. Learned counsel for the petitioner submits that the same is agreeable to the petitioner.
5. Accordingly, we dispose of the present writ petition by setting

aside the impugned order dated 06.09.2016 (Annexure P-1), with liberty to the respondents to pass a fresh speaking order in accordance with law and after affording an opportunity of hearing to the petitioner.

(AJAY KUMAR MITTAL)
JUDGE

November 04, 2016
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No