

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-22196-2016

Date of decision: 15.11.2016

National Insurance Company Limited

..... Petitioner

Versus

State of Punjab and another

..... Respondents

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

PRESENT: Mr. A.K. Chopra, Senior Advocate with
Mr. R.K. Gupta, Advocate and
Mr. Ankit Midha, Advocate for the petitioner.

Mr. Rajinder Goyal, Addl. Advocate General, Punjab.

Dr. (Ms.) Puneet Kaur Sekhon, Advocate for respondent No. 2.

AJAY KUMAR MITTAL, J.

1. The petitioner by way of present writ petition under Articles 226/227 of the Constitution of India, seeks a writ in the nature of certiorari for quashing the letter dated 10.10.2016 (Annexure P-4) issued by respondent No. 2 whereby the State Government had decided to blacklist the petitioner for a period of five years.

2. On October 24, 2016, learned counsel for the petitioner *inter alia* submitted that the petitioner was blacklisted/debarred vide impugned letter dated 10.10.2016 (Annexure P-4) without affording an opportunity of hearing and by passing a non-speaking order and the following order was

passed on the said date:-

“Learned Senior counsel for the petitioner, inter alia, relies upon (i) **Raghunath Thakur vs. State of Bihar and others (1989) 1 SCC 229**; (ii) **M/s Southern Painters vs. Fertilizers and Chemicals Travancore Ltd. and another AIR 1994 SC 1277**; (iii) **Grosons Pharmaceuticals (P) Ltd. vs. State of Uttar Pradesh (2001) 8 SCC 604**; (iv) **M/s MSV International vs. HSRDC 2012(4) RCR (Civil) 770**; (v) **Heera Lal vs. State of Punjab and others 2013(4) PLR 321**; (vi) **Sukhdev Singh vs. State of Punjab and others 2016(1) PLR 373**; (vii) **Gorkha Security Services vs. Govt. of NCT of Delhi and others AIR 2014 SC 3371**; (viii) **Canara Bank vs. V.K. Awasthy AIR 2005 SC 2090** and (ix) **M/s Aglow Builders, Ludhiana vs. Municipal Corporation, Ludhiana and another** passed in **CWP No.9705 of 2016** decided on 03.10.2016, to contend that the petitioner has been blacklisted/debarred vide impugned letter dated 10.10.2016 (Annexure P-4) 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.”

that the impugned letter Annexure P-4 blacklisting/debarring the petitioner may be set aside. However, liberty be granted to respondent No. 2 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 letter dated 10.10.2016 (Annexure P-4), with liberty to respondent No. 2 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 15, 2016
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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No