

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.26094 of 2015 (O&M)

Date of decision : 6.1.2016.

Sushil Kumar Gupta and Co.

.....Petitioner

Versus

Bharat Sanchar Nigam Ltd. and others

..... Respondents

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

Present : Mr. Sachin Bhardwaj, Advocate for the petitioner.

Mr. Madan Mohan, Standing counsel for BSNL Haryana.

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

The petitioner has challenged an order passed by the respondents blacklisting them for a period of one year and forfeiting the EMD. The orders were passed without issuing a show cause notice and without affording the petitioner an opportunity of being heard.

Learned counsel appearing on behalf of respondent No.1 rightly states that a show cause notice will be issued and only thereafter decision would be taken regarding the proposed blacklisting and forfeiture of the EMD.

In the circumstances, the impugned order is set aside. The respondents shall be entitled to take any action or steps in accordance with law including forfeiture of the EMD and blacklisting. The forfeiture of EMD by the respondents shall abide by the fresh orders. No other dispute between the parties is being dealt with in this order. The petitioner is at liberty to adopt appropriate proceedings including making representations in this respect.

Therefore, the petition is accordingly disposed of.

**(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE**

6.1.2016

Manoj Bhutani

**(ARUN PALLI)
JUDGE**