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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**Civil Writ Petition No.5069 of 2016**  
**Date of decision: December 07, 2016**

S.D. Fine-Chem Limited

....Petitioner

versus

The Punjab Agricultural University, Ludhiana and another

....Respondents

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

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Present: Mr. M.L. Sarin, Sr. Advocate with  
Mr. Nitin Sarin, Advocate and  
Mr. Ritesh Aggarwal, Advocate for the petitioner(s)  
in CWP Nos.5069 and 5183 of 2016.

Mr. Aman Chaudhary, Advocate for the petitioner  
in CWP No.5101 of 2016.

Mr. M.L. Saggar, Sr. Advocate with  
Ms. Armaan Saggar, Advocate and  
Mr. Rohit Joshi, Advocate for the respondents.

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**AJAY KUMAR MITTAL, J. (Oral)**

1. This order shall dispose of three writ petitions bearing Civil Writ Petition Nos.5069, 5101 and 5183 of 2016 as learned counsel for the parties state that the identical order has been impugned therein which is appended as Annexures P-27, P-17 and P-24 respectively along with the writ petitions. For brevity, the facts are being extracted from Civil Writ Petition No.5069 of 2016.

2. The primary challenge in this writ petition filed under Articles 226/227 of the Constitution of India is to the order dated

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28.12.2015 (**Annexure P-27**) passed by respondent No.1 vide which the petitioner-Firm has been debarred/blacklisted for the future tenders and its security has also been forfeited.

3. Learned counsel for the petitioner(s), inter alia, relied upon the Division Bench judgment of this Court in the case titled as '**M/s Outdoor Communication, New Delhi vs. State of Punjab and others**' passed in **Civil Writ Petition No.17048 of 2014** on October 04, 2016, to contend that the order dated 28.12.2015 (**Annexure P-27**) is unsustainable as the same has been passed without issuance of any notice and without affording an opportunity of hearing to the petitioner. Moreover, the security deposited by the petitioner has also been forfeited. It was urged that the impugned order does not satisfy the test of being a reasoned and speaking order and is, thus, liable to be quashed. According to learned counsel, the impugned order has been passed in violation of the principles of natural justice.

4. Learned counsel for the respondents, on instructions, states that the order impugned in the present writ petitions may be set aside. However, a prayer was made that liberty be granted to the concerned respondent/competent authority to pass a fresh order in accordance with law after affording an opportunity of hearing to it and by passing a speaking order.

5. Learned counsel for the petitioner(s) submits that the same is agreeable to the petitioner.

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6. Accordingly, the writ petitions are allowed and the order dated 28.12.2015 (**Annexures P-27, P-17 and P-24** respectively) in all the cases are hereby set aside. However, liberty is granted to the Purchase Committee who is stated to be the competent authority, to pass fresh speaking orders in accordance with law after affording an opportunity of hearing to the petitioner(s). The petitioners shall appear before the competent authority on 10.01.2017 at 11.00 am who shall proceed further in accordance with law.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**December 07, 2016**  
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**(RAMENDRA JAIN)**  
**JUDGE**

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No