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

205

**Civil Writ Petition No.20719 of 2017
Date of Decision: September 25, 2017**

NYSA Communications (P) Ltd.

...Petitioner

versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Jai Singh Brar, Advocate,
Mr. Ashish Batra, Advocate and
Mr. Honey Jain, Advocate for the petitioner.

Mr. Saurabh Arora, Advocate
for respondent No.2.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner, feeling aggrieved by the order dated 02.08.2017, received on 29.08.2017 (**Annexure P-19**) passed by the Secretary, Punjab School Education Board, SAS Nagar (Mohali)-respondent No.2, whereby the petitioner-Company had been blacklisted and debarred for a period of three years, has approached this Court under Article 226 of the Constitution of India. Further prayer has been made to direct the respondents to allow

the petitioner to take part in tender process to be floated by it or any other Government/private authority.

2. Learned counsel for the petitioner submitted that the impugned order (Annexure P-19) has been passed without following the principles of natural justice as proper opportunity of hearing had not been provided to the petitioner. It was further submitted that though, in the impugned order (Annexure P-19), it has been stated that the original documents, as ordered by this Court in CWP No.27041 of 2016 on 16.01.2017 (Annexure P-9) filed by the petitioner, had not been submitted whereas the same is factually incorrect. It was urged that the original documents were shown and were returned to the petitioner-Company after keeping their photostat copies on record.

3. On the other hand, learned counsel for respondent No.2 submitted that the information as required from the petitioner has not been provided by it. Learned counsel for respondent No.2 stated that even there are certain bills which were also disputed.

4. Learned counsel for the petitioner further submitted that the performance certificate had been obtained from the Maharshi Dayanand University, Rohtak (in short, 'the MDU') which was not found to be genuine whereas the performance certificate was to be issued by the Examination Centre instead of the Computer Center of MDU, Rohtak, from whom the respondent was required to verify the performance of the petitioner.

5. Be that as it may, the dispute that arises relates to the submission of the original documents which have been produced in Court, to substantiate that the same are genuine and the petitioner had performed its part of the contract on the basis of the certificate given by the Examination Centre of MDU Rohtak. Accordingly, the order dated 02.08.2017 is set aside with a direction to respondent No.2 to pass a fresh order after affording an opportunity of hearing to the petitioner and after examining the material produced by it before the said authority in accordance with law. The needful be done within next one month and the petitioner shall appear before the concerned authority on 10.10.2017 for the said purpose. Needless to say anything observed hereinbefore shall not be taken to be expression of opinion on the merits of the controversy.

(AJAY KUMAR MITTAL)
JUDGE

September 25, 2017
sonia gugnani

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No