

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

Civil Writ Petition No. 24383 of 2018 (O&M)

Date of Decision: 28.09.2018

M/s Sahib Transport Company

.....Petitioner

versus

Food Corporation of India and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Rajesh Arora, Advocate, for the petitioner.
Mr. K.K.Gupta, Advocate, for respondent Nos.1 and 2.

KRISHNA MURARI, CHIEF JUSTICE (oral)

Heard Shri Rajesh Arora, learned counsel for the petitioner and
Shri K.K.Gupta, learned counsel for respondents No.1 and 2.

2. Petitioner is a partnership firm. Aggrieved by the order dated 10.09.2018 passed by respondent No.2 rejecting its tender, forfeiting the EMD and also blacklisting the firm for a period of five years, the instant writ petition has been preferred. However, at the stage of motion, the challenge was confined to the part of the impugned order blacklisting the firm for a period of five years. The main thrust of the argument of learned counsel for the petitioner is that the impugned order for black-listing the petitioner's partnership firm for a period of five years is without any notice and opportunity and thus the same is in violation of the principle of natural justice.

3. From a perusal of the impugned order (Annexure P-6) it does not reflect that any notice or opportunity at any stage was afforded to the petitioner firm before passing the order. During the course of

hearing, learned counsel for respondent Nos.1 and 2 could not place any material to demonstrate that any notice or opportunity was afforded to the petitioner before passing the order of black listing.

4. It is well settled proposition of law that since the order of black listing entails civil consequences, as such show cause notice or opportunity to defend is sine-qua non to the passing of the order. The fact being undisputed that any notice or opportunity was not afforded to the petitioner firm before passing the impugned order, the same is directly in the teeth of the principle of natural justice and thus not liable to sustain.

5. As a result, the writ petition stands allowed. The impugned order dated 10.09.2018 insofar as it relates to black-listing the petitioner firm for a period of five years stands quashed. The matter stands remitted back to the authorities to take a decision afresh in accordance with law after notice and opportunity to the petitioner firm.

6. In the facts and circumstances, we make no order as to costs.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

28.09.2018

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√