

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-27852-2017

Date of Decision: May 08, 2018

M/s Technical Associates Limited

.....Petitioner

Versus

Haryana Vidyut Prasaran Nigam Limited and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE SHEKHER DHAWAN

- |    |                                                                       |        |
|----|-----------------------------------------------------------------------|--------|
| 1. | To be referred to the Reporters or not?                               | Yes/No |
| 2. | Whether the judgment should be reported in the Digest?                | Yes/No |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.A.S.Talwar, Advocate for the petitioner.

Mr.Ankur Mittal, Addl.AG, Haryana with  
Mr.Manoj Dhankhar, AAG, Haryana.

.....

**SURYA KANT, J.**

The petitioner-Company seeks quashing of the letter dated 04.05.2017 (Annexure P-23) and the order dated 16.05.2017 (Annexure P-25). Vide the impugned order dated 16.05.2017, Haryana Vidyut Prasaran Nigam Limited (respondent No.1) has blacklisted the petitioner-Company for 'two years for participating in future tender enquiries in 220 KV Voltage rating transformers'.

[2] Notice of motion was issued and in response thereto, the

respondents have filed their written statement to which the petitioners have also filed its rejoinder.

[3] We have heard learned counsel for the parties. One of the petitioner's contention is that the order of blacklisting has been passed without affording an opportunity of being heard to it.

[4] Learned counsel for the respondents fairly states that though notices were issued and petitioner's reply duly considered but it is a fact that the petitioner was not heard before passing the impugned order.

[5] Learned counsel for the parties do not dispute that in view of the principles enumerated in para 17 of its judgment by the Hon'ble Supreme Court in Kulja Industries Limited vs Chief Gen.Manager W.T. Proj.,BSNL and others, 2014(14) SCC 731, an opportunity of personal hearing also ought to have been given to the petitioner before invoking the power of blacklisting.

[6] Consequently, and without going into the merits of rival contentions, we allow this writ petition in part to the extent that the impugned letter dated 04.05.2017 as well as the order dated 16.05.2017 are set aside with liberty to respondent No.1 to pass a fresh order in accordance with law and after hearing the representative of the petitioner. It goes without saying that the petitioner shall be at liberty to raise all the pleas including that of 're-testing' before the competent Authority of respondent No.1, who shall consider all such pleas while passing a reasoned order. It shall be appreciated if the appropriate decision is taken by respondent No.1 within a period of one week from the date of receipt of a certified copy of

by their previous decision while taking the fresh decision.

[7]           The writ petition stands disposed of in above terms.

( SURYA KANT )  
JUDGE

May 08, 2018  
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( SHEKHER DHAWAN )  
JUDGE

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|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ?        | Yes/No |