

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

**CWP No.28653 of 2017 (O&M)
Date of Decision :14.11.2018**

Nirbhai Singh

.....Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present : Mr. R.P.S.Boparai, Advocate for the petitioner.
Mr. Avinit Avasthi, AAG, Punjab.
Mr. Vaibhav Gupta, Advocate for
Mr. K.K.Gupta, Advocate for respondent No.8.
Mr. Anurag Chopra, Advocate for respondent No.10.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

By way of this writ petition filed under Article 226 of the Constitution of India the petitioner has challenged the order dated 13.12.2017, passed by the District Controller, Food & Civil Supplies, Sangrur, cancelling the tender allotted to the petitioner and blacklisting him.

It is submitted that the impugned order is bad in law inasmuch as the same has been passed without any proper notice and opportunity of hearing and blacklisting him for unlimited period which is directly in the teeth of the judgment of Hon'ble Supreme Court in the case of **Kulja Industries Limited Vs. Chief General Manager, Western Telecom Project Bharat Sanchar Nigam Limited and others (2014) 14 SCC 731**.

This factual situation could not be disputed by the learned

counsel appearing for the State of Punjab.

In view of the fact that the impugned order is in violation of the principle of natural justice and is for a unlimited period the same cannot be sustained and is hereby quashed. The matter stands remitted back to the concerned authority-respondent No.3 to take a fresh decision in accordance with law after notice and opportunity of hearing to the petitioner and other concerned stakeholders within a period of 4 weeks. The interim order dated 23.02.2018 passed in the writ petition shall continue to remain in operation for a period of 4 weeks from today or till the disposal of the matter by respondent No.3 whichever is earlier.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

14.11.2018

Manoj Bhutani

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