

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

**CWP-40581-2018 (O&M)
Date of decision: 31.12.2018**

M/s Paramveer Auto Fuels

....Petitioner

Versus

Indian Oil Corporation Ltd. and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Ajaivir Singh, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this civil writ petition is for issuance of a writ in the nature of certiorari for setting aside the communication dated 10.12.2018 (Annexure P-9), vide which representation filed by the petitioner on 07.12.2018 (Annexure P-8) was declined.

Learned senior counsel for the petitioner submits that only reason given while declining the request of the petitioner is that on an earlier occasion, a show cause notice with regard to excess loading of high speed diesel was given to the petitioner in the year 2014 and thereafter, the petitioner had filed CWP-4657-2015, challenging the order dated 31.12.2014, vide which technical bid of the petitioner was rejected. It is

further submitted that while passing the earlier order, the respondent-Corporation had taken a decision that one truck of the petitioner bearing registration No.PB-03W-9954 be blacklisted for a period of two years w.e.f. 24.12.2014 and the said period has already lapsed and therefore, representation of the petitioner cannot be rejected.

Notice of motion.

Mr. Ashish Kapoor, Advocate accepts notice on behalf of the respondents and submits that the impugned order has been passed considering the fact that on an earlier occasion, one truck of the petitioner was blacklisted for a period of two years and the writ petition challenging the said order was dismissed.

After hearing learned counsel for the parties and considering the fact that the order dated 31.12.2014 was passed debarring the petitioner/blacklisting his one truck for a period of two years, the period which has already lapsed, the respondents are not justified in passing the impugned order dated 10.12.2018 on the same ground. The CWP-4657-2015, vide which the petitioner has challenged the aforesaid order of blacklisting, was dismissed in view of peculiar facts and circumstances of the said case, however, the same will have no bearing on merits of this case, after the lapse of period of two years and therefore, the respondents are bound to pass an order afresh, considering the merits of the case.

In view of the above, this petition is allowed. The impugned communication dated 10.12.2018 (Annexure P-9) is set aside and the respondents are directed to re-decide the representation of the petitioner

after affording an opportunity of hearing to him, within a period of four weeks from the date of receipt of certified copy of this order.

Disposed of, accordingly.

31.12.2018
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

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