

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

**LPA No. 934 of 2019 (O&M)
Date of decision: 17.05.2019**

Union of India and others

... Appellants

Versus

Parveen Kumar @ Parveen Kumar Kataria

... Respondents

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

Present: Mr. O.P. Dabla, Senior Counsel for Union of India

KRISHNA MURARI, CHIEF JUSTICE (Oral)

CM-2232-LPA-2019

This is an application seeking condonation of delay of 80 days in filing the accompanying appeal.

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 80 days in filing the accompanying appeal is condoned.

Application stands disposed of.

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This intra-court appeal, under Clause X of the Letters Patent, is directed against the order and judgment dated 30.1.2019, passed by the learned Single Judge, allowing the writ petition filed by the petitioner-respondent herein, challenging the order whereby he was placed under blacklist in perpetuity.

The learned Single Judge, while allowing the petition of the respondent, placed reliance upon the pronouncements of the Hon'ble Apex Court in **Gorkha Security Services Vs. Government of NCT of**

LPA No. 934 of 2019 (O&M)

**Delhi and others, 2014 (9) SCC 105 and M/s Kulja Industries Limited
Vs. Chief Gen. Manager W.T. Proj. BSNL and others AIR 2014 (SC) 9,**
wherein it has been held that an action of blacklisting for all times to come is
not liable to be sustained.

Learned counsel for the appellants vehemently contends that
both the pronouncements of Hon'ble the Supreme Court are distinguishable
with the case in hand, on the ground that in those cases, the contractor had
not submitted any false affidavit, whereas, in the case in hand, the
contractor-respondent submitted a false affidavit, therefore, the order,
blacklisting him in perpetuity, cannot be held to be unsustainable, for
whatever may be the reasons for blacklisting.

We are afraid that the argument advanced by learned counsel for
the appellant is as misconceived as it could be. The law is well settled by
the two pronouncements of the Hon'ble Supreme Court, referred to above,
and thus, the order blacklisting a contractor in perpetuity cannot be
sustained.

In view of the abovesaid discussion, we find no infirmity in the
view taken by the learned Single Judge, which may require interference. The
appeal is devoid of any merit and accordingly stands dismissed.

**(KRISHNA MURARI)
CHIEF JUSTICE**

**(ARUN PALLI)
JUDGE**

May 17, 2019
AK Sharma

Whether speaking / reasoned:	YES
Whether Reportable:	NO