

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

**CM-19559-2018 in/and
CWP No. 18426 of 2018 (O&M)
Date of decision: 09.01.2019**

M/s R.B. Enterprises

... Petitioner

Versus

State of Haryana and another

... Respondents

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

Present: Mr. Abhilaksh Grover, Advocate
for the applicant-appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

CM-19559-2018

Notice of the application to the respondents.

Mr. Deepak Balyan, Additional Advocate General, appearing for the State of Haryana, and Mr. Ashish Yadav, Advocate, accept notice on behalf of respondents No.1 and 2, respectively.

Having heard learned counsel for the parties, we find the grounds set out in the application to be sufficient to recall the order dated 5.12.2018. Accordingly, the order dated 5.12.2018 is recalled. The writ petition stands restored to its original number.

Application stands disposed of.

CWP No. 18426 of 2018

Challenge in this petition has been made to the order dated 10.7.2018, blacklisting the petitioner-firm and forfeiting the security.

It is contended by learned counsel for the petitioner that not only the impugned order is in violation of the principles of natural justice, as

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no notice or opportunity of hearing was afforded to the petitioner, but it is also directly in the teeth of the settled principles of law culled out by the Hon'ble Supreme Court, that blacklisting cannot be for an unlimited period. Reference, in this regard, may be made to the judgment of the Hon'ble Apex Court in **Kulja Industries Limited Vs. Chief General Manager, Western Telecom Project Bharat Sanchar Nigam Limited and others, (2014) 14 SCC 731.**

When confronted with the situation, finding it difficult to support the impugned action and the order, learned counsel for the respondents submit that the respondent authorities shall pass a fresh order, in accordance with law, after notice and affording an opportunity of hearing to the petitioner.

In view of the above facts and settled proposition of law, the impugned order is not liable to be sustained and the same is hereby set aside. The writ petition stands allowed and the matter is remitted to the respondent authorities to pass a fresh order, in accordance with law, after notice and opportunity of hearing to the petitioner.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

January 09, 2019
AK Sharma

Whether speaking / reasoned:
Whether Reportable:

YES
NO