

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No. 19162 of 2018 (O&M)

Date of Decision: 16.01.2019

M/s Rakshak Securitas Private Limited.

.....Petitioner

versus

Union of India and others

.....Respondents

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

Present : Mr. Jaivir Yadav, Advocate, for the petitioner.
Mr. Brajeshwar Singh Kanwar, Advocate, for respondent No.1.
Mr. Amit Jhanji, Advocate, for respondents No.2 and 3.

KRISHNA MURARI, C.J.(oral)

Challenge in this petition has been made to the order dated 29.06.2018, debarring the petitioner-firm for a period of two years from participating in any such type of tenders and also forfeiting the security.

2. 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 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*.

3. When confronted with the situation, finding it difficult to support the impugned action and the order, learned counsel for the respondents No.2 and 3 submits that the respondents’ authorities shall pass a fresh order, in accordance with law, after notice and affording an opportunity of hearing to the petitioner.

4. 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 respondents’ 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

16.01.2019
ravinder

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