

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

CWP-8654-2017 (O&M)

Date of decision:- 03.07.2019

Narinder Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. A.B.S. Sidhu, Advocate,
for the petitioner.

Ms. Monica Chhibbar Sharma, Senior DAG, Punjab.

Mr. Manav Bajaj, Advocate,
for respondents No. 4 and 5.

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KRISHNA MURARI, C.J. (ORAL)

The challenge in this petition has been made to the order dated 20.04.2017 passed by the respondent-authorities blacklisting the petitioner.

2. The main ground of challenge is that the blacklisting is for an unlimited period and thus is totally illegal and against the pronouncement of the Hon'ble Apex Court in **Kulja Industries Limited v. Chief Gen. Manager W.T. Proj., BSNL and others, 2014(14) SCC 731**. The Division Bench judgment of this Court in the case of **M/s Zee Laboratories v. Union of India and others, 2015 (47) RCR (Civil) 709** is also relied upon to support the proposition. In the case of **Kulja Industries Ltd.** (supra), the Hon'ble Apex Court has held as under:

"24. Suffice it to say that 'debarment' is recognised and often used as an effective method for disciplining deviant suppliers/contractors who may

have committed acts of omission and commission or frauds including misrepresentations, falsification of records and other breaches of the regulations under which such contracts were allotted. What is notable is that the 'debarment' is never permanent and the period of debarment would invariably depend upon the nature of the offence committed by the erring contractor."

3. Learned counsel appearing for the respondent(s) does not dispute the legal proposition.

4. In view of the settled proposition of law, the impugned order blacklisting the petitioner for an unlimited period is not liable to be sustained and is hereby quashed. The matter stands remitted back to the authority concerned to take a fresh decision with respect to time period for which the petitioner is to be blacklisted. The decision may be taken keeping in view the attending facts and circumstances as also the gravity of the cause which led to passing of the blacklisting order, within a period of eight weeks from the production of certified copy of this order.

5. The petition stands disposed of.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

03.07.2019

Amodh

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