

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

CWP-33642-2019 (O&M)

Date of decision:- 20.11.2019

M/s Yash Machine Tools

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SHARMA

Present:- Mr. Kuldeep S. Parihar, Advocate,
for the petitioner.

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RAVI SHANKER JHA, C.J. (ORAL)

The petitioner has filed this petition aggrieved by an order dated 31.05.2019 by which the respondent-authorities have blacklisted the petitioner and debarred the petitioner for a period of three years from doing business with the Government of Haryana.

The brief facts leading to the filing of the present petition are that the petitioner filed the tender in response to the notice issued by the Government of Haryana for purchase of workshop machinery required by the Skill Development and Industrial Training Department, Haryana. The authorities received a complaint from one Sh. Neeraj Panday, Ahmedabad on 12.07.2018 to the effect that the documents filed by the petitioner-tenderer alongwith the tender form were forged documents including fabricated principal manufacturing, CA certificate, balance-sheets etc.

Pursuant to the aforesaid complaint, inquiry was conducted and the show cause notice was issued to the petitioner, whereafter the authorities found that the documents

submitted by the petitioner alongwith the tender form were actually forged and fabricated and, therefore, another notice was issued to the petitioner proposing blacklisting. It is submitted that subsequently by the impugned order dated 31.05.2019, the authorities have blacklisted the petitioner for a period of three years from doing business with the Government of Haryana.

The learned counsel for the petitioner submits that the petitioner is a trader which submits tenders on behalf of vendors for the purposes of obtaining contracts. It is submitted that in the instant case, the petitioner received all the necessary documents from one M/s Roop Engineering Works which were forwarded by the petitioner alongwith the tender form. It is submitted that subsequent to the notice issued by the authorities, the matter was examined by the petitioner and it itself withdrew from the tender proceedings as it was found that the documents submitted by M/s Roop Engineering Works were forged and fabricated.

It is stated that the petitioner informed the authorities about the aforesaid facts in response to the notice issued to it by the authorities vide its reply dated 11.08.2018. It is submitted that when the notice for blacklisting was issued to the petitioner, it again submitted and placed before the authorities the facts vide its reply dated 02.02.2019 to the effect that it had simply forwarded the documents received from M/s Roop Engineering Works and had not fabricated or forged any document at its level.

It is submitted that the authorities, without examining the aforesaid aspect and without taking into consideration the fact that the petitioner at best was only guilty of negligence and not committing forgery, have passed

the impugned order blacklisting the petitioner. Hence this petition.

We have heard learned counsel for the petitioner at length.

From a perusal of the impugned order as well as the reply filed by the petitioner to the first notice issued by the authorities on 11.08.2018 and the subsequent reply to the notice for blacklisting dated 02.02.2019, it is apparent that the petitioner submitted the tender form alongwith the documents supplied to it by the vendor M/s Roop Engineering Works. It is also undisputed that the documents submitted by M/s Roop Engineering Works were forged and fabricated. In such circumstances, the petitioner which is the entity submitting the tender form was duty bound and required to verify the correctness and authenticity of the documents before filing the same alongwith the tender form. As this exercise has admittedly not been undertaken by the petitioner and the authorities on this admitted fact and ground have found the petitioner guilty of submitting the documents alongwith the tender form that were not true and were false and fabricated, we do not find any reason to interfere with the impugned order.

It is also worth noting and undisputed that the authorities before passing the impugned order initially issued notice to the petitioner on 25.07.2018 giving the petitioner an opportunity to submit the response. It is also evident that the authorities, after examining the reply filed by the petitioner and looking into the fact that the petitioner had admitted the fact of negligence on its part in forwarding false and fabricated documents submitted by M/s Roop Engineering Works as well as the fact that the petitioner had itself issued a legal notice to M/s Roop Engineering Works for cheating and mis-

representation to government authorities, issued the subsequent notice to the petitioner proposing blacklisting on 11.01.2019 and after receiving the reply, the impugned order has been passed. In the circumstances and the facts of the case, it is apparent and clear that the authorities before passing the impugned order have given due opportunity to the petitioner by issuing notices and getting the matter examined. In the circumstances, we do not find any illegality or perversity in the order warranting interference.

The petition filed by the petitioner being meritless is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(RAJIV SHARMA)
JUDGE

20.11.2019
Amodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No