

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

CWP No.13515 of 2020

Date of Decision: September 07, 2020

Bindiya Enterprises at Piparia and another

...Petitioners

VERSUS

Punjab School Education Board and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE S.N.SATYANARAYANA
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Ms.Jyoti Sareen, Advocate for the petitioners.

Mr.Jagmohan Ghuman, Advocate for the respondents.

S.N.SATYANARAYANA, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The petitioners herein an applicant for award of contract pursuant to E-Tender Notice No.PSEB AB/01/2019 dated 28.11.2019, have come up in this writ petition impugning the order dated 07.08.2020 (Annexure P-9). In sum and substance, the grievance of the petitioners is that petitioner No.1 is blacklisted permanently by first respondent on the premise that it has filed a false affidavit vide Annexure P-3 dated 30.11.2019 in suppressing an order of blacklisting, passed against it by Veer Narmada, South Gujarat University on 16.11.2018.

Heard the learned counsel for the Petitioners as well as contesting respondents. Perusal of material on record, clearly discloses that,

the order dated 16.11.2018 in black listing the petitioner by Veer Narmada

South Gujarat University was subject matter of lis in a proceedings initiated before Hon'ble Gujarat High Court at Ahmedabad, in Special Civil Application No.20139 of 2018. Wherein the order placing petitioner No.1 in the blacklist vide order dated 16.11.2018, is quashed and subsequently, petitioners have communicated the same to the first respondent on 27.12.2019 by way of E-mail. This would clearly indicate that the contents of the affidavit is a faux pas, inadvertently done on the premise that the order of blacklisting is already under challenge before the competent court of law, where it was stayed, according to them. The reading of the order of the Hon'ble High Court of Gujarat in the petition filed by the petitioner would clearly support the same. In the aforesaid circumstance, we are of the considered opinion that the order under challenge dated 07.08.2020 requires to be quashed.

Accordingly, the present petition is allowed in quashing the impugned order dated 07.08.2020. However, if the first respondent is of the opinion that the suppression of the same by way of affidavit is erroneous, it is open for them to initiate proceedings against the petitioners, wherein only after giving opportunity of being heard, any order could be passed by them. It is needless to observe that, if the same is against the interest of the Petitioners herein, they could challenge the same in appropriate proceedings.

(S.N.SATYANARAYANA)
JUDGE

(ARCHANA PURI)
JUDGE

September 07, 2020
Vgulati

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No