

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

CWP No.6155 of 2017

Date of Decision : 27.01.2020

Pooja Soi

.....Petitioner

Versus

Union of India and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Nakul Sharma, Advocate for the petitioner.
Mr. Ajay Kumar Gupta, Sr. Panel Counsel
for the respondents-Union of India.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

This petition has been filed by the petitioner being aggrieved by the order dated 12.01.2017 by which the representation filed by the petitioner against de-listing of the petitioner's firm from the approved list of contractors as well as for listing the new firm headed by the petitioner has been rejected by the authorities.

Learned counsel for the petitioner submits that the petitioner firm M/s A.K. Enterprises was removed from the approved list of contractors by the Commander Works Engineer, Ferozepur Cantt., by order dated 04.12.2014, without assigning any reasons. It is submitted that as the respondents were not taking any steps, the petitioner had filed a writ petition before this Court which was registered as CWP No.25062 of 2016 and was disposed of on 05.12.2016, with direction to the respondents authorities to consider and decide the representation of the petitioner which was to be filed by the petitioner. It is submitted that in purported compliance of the

direction of this Court, the authorities have passed the impugned order dated 12.01.2017, rejecting the petitioner's representation and maintaining the decision to remove the petitioner firm from the approved list of contractors. Learned counsel appearing for the petitioner submits that initially the firm M/s A.K. Enterprises was registered with the respondents in which the husband of the petitioner Sh. Dinesh Soi was the leading partner. It is further submitted that subsequently the said firm was dissolved, on 16.05.2012, and a new firm headed by the petitioner came into existence and an application to register the same was filed before the respondents authorities. It is submitted that application for registering the petitioner firm as proprietorship firm was not accepted by the authorities nor petitioner's name was entered in the list of approved contractors. Hence, the legal proceedings were taken up by the petitioner which have ultimately culminated and passed the impugned order dated 12.01.2017.

Learned counsel appearing for the petitioner submits that after dissolution of the firm, her husband who was involved and convicted in a criminal case is no longer associated with her and in such circumstances as there is no ground to disqualify the petitioner the authorities should have entertained the application by entering her name in the approved list of contractors. Learned counsel appearing for the petitioner further submits that the authorities are constantly harping upon the police verification report in respect of her husband to deny the petitioner's right to do business with them and have also not given detailed reasons in the order rejecting her representation. Learned counsel for the petitioner submits that impugned order passed by the authorities lacks application of mind and is arbitrary, therefore, impugned order deserves to be set aside.

Learned counsel appearing for the respondents *per contra* submits that the detailed reasons have been given by the authorities in the impugned order wherein they have considered the cosmetic changes made by the petitioner and her husband only to overcome disqualification incurred by her husband on account of being convicted in criminal case. Learned counsel for the respondents further submits that the Army establishment has its own rules and principles and it has a policy of not dealing with the people who have doubtful character and antecedents. It is submitted that the petitioner is still the wife of Dinesh Soi. There was nothing on record either to indicate if there was any matrimonial discord between the two. The authorities realizing that attempt made by the petitioner by making cosmetic changes in the firm to overcome the disqualification, rejected the request of the petitioner by giving detailed reasons in the impugned order.

We have carefully considered the submissions made by learned counsel for the parties as well as the documents on record.

From a perusal of the impugned order it is apparent that the authorities have also taken note of the fact that original firm M/s A.K. Enterprises, registered by them, was dissolved by the petitioner and her husband, in the year 2012 and, therefore, its name was removed from approved list of contractors. It is submitted that subsequently the petitioner filed an application for treating the firm as proprietorship firm. However, the necessary documents that were sought from the petitioner were not filed by her. It is submitted that on police verification and on account of conviction of the petitioner's husband the necessary clearance in that regard was not given. It has also been stated in the impugned order that the changes sought to be made in the constitution are not *bona fide* and are only

cosmetic with the object to overcome the disqualification on account of doubtful character and antecedents of the persons associated with military work. The authorities upon considering the aforesaid aspects as well as the facts that the petitioner's husband has been convicted for the offences under Sections 148 and 302 of IPC, vide judgment dated 07.06.2014, passed by the Additional District & Sessions Judge, Ferozepur, rejected the representation for not entering petitioner's name in the list of approved contractors.

In the circumstances, as the said facts stated by the authorities are not disputed and as the authorities duly applied its mind to determine the issue and passed a reasoned and speaking order, the petition filed by the petitioner being meritless is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

27.01.2020

Manoj Bhutani

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