

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

CWP-15910-2021 (O&M)
Date of decision:- 18.08.2021

M/s Anuj Creations

...Petitioner (s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Gurmohan Singh Bedi, Advocate,
Mr. Pawandeep Singh, Advocate,
for the petitioner.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court)

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RAVI SHANKER JHA, C.J. (ORAL)

This petition has been filed by the petitioner being aggrieved by an order dated 06.08.2021 (Annexure P-16) passed by the respondent-authorities, whereby the petitioner has been blacklisted and debarred from participating in future tenders by respondent No. 4 – Haryana Roadways Engineering Corporation Ltd.

It is submitted by learned counsel for the petitioner that the blacklisting was ordered on the basis of an allegation that FIR No. 44 dated 22.01.2014 under Sections 420/467/471/120B of the Indian Penal Code was registered against the petitioner at Police Station Sadar, Gurgaon alleging furnishing of a false bank guarantee in a previous tender proceeding and on this ground it has been blacklisted. It is further submitted that the petitioner had filed its reply dated 11.05.2021 (Annexure P-13) to a complaint made by one M/s Dinesh Enterprises against the petitioner before the respondent-authorities to the effect that the petitioner had in fact been found innocent in the aforesaid criminal case. It is further submitted that the aforesaid aspect has not been considered by the authorities.

Mr. Deepak Balyan, learned Additional Advocate General, Haryana submits that from a perusal of the impugned order dated 06.08.2021 (Annexure P-16), it is not evident if this aspect was examined by the authorities or not. He further submits that in such circumstances, the authorities would look into the reply dated 11.05.2021 (Annexure P-13) filed by the petitioner;

re-examine the matter and thereafter pass fresh orders expeditiously, preferably within four weeks.

In view of the aforesaid statement made by learned State counsel, we do not find any reason to entertain the present petition which is disposed of. It is made clear that this Court has not expressed any opinion on the merits of the case and, therefore, the authorities would be at liberty to examine the matter keeping all facts and facets into consideration and thereafter accept or reject the same in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

18.08.2021
Amodh

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