

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No. 25319 of 2021 (O&M)

Date of decision:- 14.12.2021

R.S.Labour and Transport Contractor .....Petitioner  
Versus  
State of Haryana and others ...Respondents

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

**Present:-** Mr. Akshay Bhan, Sr. Advocate with  
Mr. Alok Mittal, Advocate, for the petitioner.

Mr. Deepak Balyan, Addl. 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, CHIEF JUSTICE** (oral)

This petition has been filed by the petitioner being aggrieved by the order dated 10.12.2021 (Annexure P-16) whereby the petitioner has been black-listed for a period of three years on account of concealment of fact pertaining to EPF Code from the respondent-department and obtaining tender on production of forged documents.

Learned senior counsel for the petitioner submits that the same allegations, on which the petitioner has been black-listed, were examined by the Delhi High Court in ***WP(C) No. 9371-2020 M/s Shiva Transport Company through its partner Sh. Sunil Khasa versus Food Corporation of India and another***, as petitioner was a respondent in those proceedings, but were rejected after due consideration. It is submitted that the respondent-authorities without taking into account the orders passed by Delhi High Court has since black listed the petitioner.

Learned Additional Advocate General appearing for the respondent-State of Haryana does not dispute the fact that the orders passed by Delhi High Court as well as other material in this connection were not taken into consideration by the respondent-authorities while passing the

impugned order. He submits that in the circumstances the respondent-authorities would re-examine the matter and take a fresh decision in respect of the issue involved.

Learned senior counsel for the petitioner submits that the petitioner shall now file a fresh representation with regard to its concerns/grievances to the respondent-authorities today itself. On this, learned Additional Advocate General, Haryana submits that in case the petitioner does so, the respondent-authorities shall consider and decide the same within a period of three days.

In the circumstances and as it is stated that the tender will be opened on 15.12.2021, by way of an interim arrangement, it is ordered that the petitioner would be permitted to submit its bid. However, the same shall not be opened and the tender proceedings shall not be finalized till the petitioner's representation is decided by the respondent-authorities.

In view of the aforesaid statement made by learned Additional Advocate General, Haryana, the petition stands disposed of.

It goes without saying that the authorities would be at liberty to decide the matter by either accepting or rejecting the representation as we have not expressed any opinion on the merits of the case and the result of the tender proceedings would depend upon the decision of the representation of the petitioner.

(RAVI SHANKER JHA)  
CHIEF JUSTICE

(ARUN PALLI)  
JUDGE

14.12.2021  
ravinder

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |