

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

206 (2 cases)

CWP No.28389 of 2019

Decided on 10.03.2021

M/s Himachal Wire Industries Pvt. Ltd.

.....Petitioner

VERSUS

Dakshin Haryana Bijli Vitran Nigam Limited and Anr.....Respondents

CWP No.29846 of 2019

M/s Himachal Wire Industries Pvt. Ltd.

.....Petitioner

VERSUS

Dakshin Haryana Bijli Vitran Nigam Limited and Anr.....Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present:- Mr.Ashwani Talwar, Advocate, for the petitioner.

Mr.Baldev Raj Mahajan, Advocate General, Haryana with
Mr.Deepak Balyan, Addl.A.G.Haryana.

AJAY TEWARI, J. (ORAL)

1. By these petitions, the petitioner has challenged firstly the rejection of some samples (in CWP No.28389 of 2019) and subsequent order of black listing for a period of three years (in CWP No.29846 of 2019).

2. It is admitted that purchase orders for the supply of Zink Coated Galvanized Ironed Wire in four lots were issued to petitioner company. Out of which two orders were successfully executed by the petitioner. However, third and fourth order, some samples were rejected and some were accepted. At that stage, the respondent-Nigam called upon the petitioner to replace their material but the petitioner did not agree and, as mentioned above, challenged the rejection of the samples and thereafter, as mentioned above, the black listing order was passed.

3. Today, Mr.Talwar, learned counsel for the petitioner has very fairly stated that he may not be able to prosecute the challenge to the rejection because of the efflux of time. He has however pointed out that it is not a case where the petitioner was trying to defraud the respondent-Nigam but a case where some samples out of many samples did not pass the test and, during this interregnum about half the period of the black listing has already over and today the petitioner is ready to replace the material also but the period of black listing which is akin to civil death be reduced.

4. The learned Advocate General has also very fairly accepted the fact that many of the samples of the petitioner were passed and at least two purchase orders he has successfully executed and has stated that the respondent-Nigam will revisit the period of black listing. He has further stated that the petitioner may appear before respondent No.1 on 23.03.2021 at 10:00 a.m. (or any other date on which respondent No.1 may require his appearance) and present his case and respondent No.1 will take a decision thereon on or before 09.04.2021.

5. In view of the above, the present writ petitions are disposed of accordingly.

6. Since the main cases have been disposed of, the pending Civil Miscellaneous Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

10.03.2021

anil

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>