

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

CWP-6866-2022 (O&M)
Date of decision:- 04.04.2022

Green Garden Enterprises

...Petitioner(s)

Versus

Municipal Council, Rewari and others

...Respondent(s)

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

Present: Ms. Pratibha Yadav, Advocate,
for the petitioner.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

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RAVI SHANKER JHA, C.J. (ORAL)

This writ petition has been filed by the petitioner against an order dated 08.09.2021 (Annexure P-11) by which the respondent-authorities, while imposing penalty upon the petitioner, have also debarred it from participating in the tender process for three years.

Learned counsel for the petitioner submits that the respondent-authorities have not taken into consideration several aspects of the matter while issuing the impugned order and have also not issued any notice regarding debarment/blacklisting of the petitioner which is necessary in view of the law laid down by the Supreme Court in a series of cases including *UMC Technologies Private Limited Vs Food Corporation of India and another* 2021 (2) SCC 551.

Mr. Deepak Balyan, learned Additional Advocate General, Haryana, who has been directed to accept notice for the Municipal Council, Rewari i.e. respondents No. 1 to 3 as well as for the Deputy Commissioner, District Rewari i.e. respondent No. 4, submits that the show cause notice (Annexure P-9) was issued to the petitioner on 25.08.2021 before passing the impugned order. He, however, is not in a position to respond to the allegation that no show cause notice regarding the debarment was issued, though he asserts that such a notice must have been issued.

In the circumstances, as this aspect is required to be examined by

(Annexure P-12), in this regard, is directed to be considered and decided by them by passing a reasoned order in accordance with law.

Learned State counsel submits that the concerned authorities would do so expeditiously, preferably within a period of two weeks from today.

In view of the aforesaid submission made by learned counsel for the petitioner as well as the statement of learned State counsel, the writ petition stands disposed of in terms thereof.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

04.04.2022
Amodh

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