

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

**CWP No.14850 of 2022 (O&M)
Date of Decision :21.02.2023**

R.S.Labour and Transport Contractor through its partner

.....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. A.G. Haryana.
Mr. Anurag Chopra, Advocate for respondent No.7.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

CM-20018-CWP-2022

Application is allowed as prayed for and the replication to the reply filed by respondents No.1 to 4 is taken on record.

CWP No.14850 of 2022

After hearing learned counsel for the parties at length, it is observed that this Court, while deciding the previous petition filed by the petitioner, vide order dated 30.03.2022 (CWP No.26726 of 2021 (R.S.Labour and Transport Contractor Vs. State of Haryana and others), had comprehensively recorded the factual background and relegated the matter to the authorities concerned to reconsider the decision of debaring the petitioner as well as the period of three years for which it was debarred. In compliance with the said order, the authorities have passed the impugned order dated 24.06.2022. However, from perusal of the impugned order, it is evident that the authorities have not adverted to this aspect at all, and have

virtually reiterated its earlier decision.

It is pertinent to observe that while disposing of the matter, this Court had taken note of previous report of the Committee of the Food Corporation of India as also order dated 13.07.2021, passed by the Delhi High Court in **Writ Petition (C) No.9371 of 2020 (M/s Shiva Transport Company through its partner Vs. Food Corporation of India and another)**. Further, even though both, the petitioner-company and even the respondents, were fully aware of all the facts, yet the petitioner-company was being permitted to participate in the tender proceedings by the authorities till the time respondent No.7 filed a complaint. It was taking into account all these factors, this Court had directed the authorities to take a decision regarding the period/quantum of blacklisting. But despite that, authorities have not done so.

Learned Additional Advocate General, Haryana, when confronted with the aforesaid aspect, submits that the authorities would re-examine the matter and pass a fresh order within 4 weeks from today, in terms of the decision of this Court, rendered in **CWP No.26726 of 2021** (ibid) and communicate the same to the petitioner.

In view of the above, the petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

21.02.2023
Manoj Bhutani

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