

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

(226)

**2023:PHHC:160568-DB
CWP-16802-2023
Date of Decision: 14.12.2023**

M/s Bharat Parenterals Ltd.

--Petitioner

Versus

Haryana Medical Services Corp. Ltd.

--Respondent

**CORAM:- HON'BLE MS. JUSTICE RITU BAHRI ACTING CHIEF
JUSTICE.
HON'BLE MS. JUSTICE NIDHI GUPTA.**

Present:- Mr. R.S. Rai, Sr. Advocate with
Ms. Rubina Vermani, Advocate for petitioner.

Mr. Deepak Balyan, Addl. A.G., Haryana.

RITU BAHRI, ACTING CHIEF JUSTICE(Oral)

The present petition has been filed praying for quashing of order dated 20.10.2022 (Annexure P-1) as well as order dated 30.6.2023 (Annexure P-4) passed by the respondent, whereby his appeal against the order blacklisting him for a period of five years, has been dismissed.

2. Learned counsel for the petitioner contends that he had given the tender papers on 14.6.2021 and there was no reason for him to mention that he was blacklisted on 2.11.2021. However, this argument was taken by the counsel for the petitioner before the Appellate Authority and in page no. 39 of the paper book, this argument has been referred to in para (C), however, no reasoning has been given to discard this argument. The tender was opened on 2.11.2021 and the tender was not given to the petitioner. The reason for blacklisting him for a period of five years is that on 2.11.2021 he should have informed the department about the fact of blacklisting. There was no occasion for him to inform the department as the

tender had been given five months before i.e. 14.6.2021 when he was not blacklisted. Along with the tender documents he had given his affidavit and on that day he was not blacklisted. Had the petitioner been allotted the tender and not disclosed that he was blacklisted on 2.11.2021, this would be a case of cancelling his tender and then blacklisting him.

3. In the present case, petitioner had not been awarded the tender and when he gave his tender documents he had furnished the information that he was not blacklisted on 14.6.2021. Accordingly, the present petition is allowed and the impugned orders dated 20.10.2022 (Annexure P-1) as well as order dated 30.6.2023 (Annexure P-4), are set aside.

4. All the pending application(s), if any, shall stand disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

14.12.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No