

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

**CWP-20851-2022(O&M)
Date of decision: 19.07.2023**

Rashmi Metaliks Limited

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Vikas Mohan Gupta, Advocate, for the petitioner.
Mr. Deepak Balyan, Addl. AG, Haryana.
Mr. Ramandeep Singh, Advocate, and
Mr. Amandeep Singh, Advocate, for respondent No.10.
Mr. Kunal Mulwani, Advocate, and
Mr. Aditya Jain, Advocate,
Mr. Abhishek Anurag, Advocate,
Mr. Rahul Vohra, Advocate,
Ms. Saima Mahmood, Advocate, for respondent No.11.

RAVI SHANKER JHA, C.J. (Oral)

1. Though the learned counsel for the petitioner, at the very outset, submits that petitioner's grievance relating to its blacklisting in respect of tender notice dated 17.05.2022 (P-7) does not survive any more and, therefore, the petition as far as it challenged to its technical disqualification and non-consideration of its bid for the said tender may be disposed of as infructuous. He, however, submits that a clarification needs to be given by the State as to whether the letter dated 22.03.2022, which is an internal communication of Municipal Corporation, Ambala, would be taken as a letter which debarred/blacklisted the petitioner for the purposes of future tendering. And if so, then petitioner's grievance in relation to quashing of the said letter would survive.

2. In response to the said submission of learned counsel for the petitioner, the respondents have filed an affidavit of Director General, Supplies & Disposals, Haryana, dated 20.03.2023. In the said affidavit, the State has mentioned the following (Para 8):

“8. That it has been clarified by the Respondent no 8 (Executive Engineer Municipal Corporation Ambala) that the said order dated 22.03.2022 was an internal communication with the contractor i.e. M/s Vishnu Prakash R. Punglia not to use the D.I. Pipes supplied by petitioner firm and MC Ambala neither debar nor blacklisted M/s Rashmi metaliks Ltd., Kolkata and the same order has not been circulated by his office to any other department in the state of Haryana or any other state in India. It is also made clear that the said order has also not been published by government of Haryana on any of its web portal or notified for wide circulation by any medium. As far as the impact of the said order dated 22.03.2022 on participation of petition in any other future tenders published in any other state of India is concerned no accurate statement can be made by the respondents (1 to 8) as the eligibility clauses are prescribed by the respective tendering entity which is outside the preview of the respondents and any pre-predicted/accurate statement cannot be made for the same.”

3. Learned Additional Advocate General appearing for the State of Haryana submits that from the said affidavit, it is evident that the letter dated 22.03.2022 does not relate to debarring or blacklisting of the petitioner and the same was an internal communication issued by Municipal Corporation, Ambala, which has not been circulated in any department of the State or

published by the Government of Haryana on its web portal. He further submits that subsequent to filing of present petition, the petitioner was permitted to participate in another tender, in which inspite of the said letter, it was found and held to be technically qualified, and the tender has been awarded to the petitioner on 01.06.2023.

4. Learned Additional Advocate General, Haryana, on instructions from Mr. Mohammed Shayin, IAS, Director General, Supplies & Disposal, Haryana, submits that the letter dated 22.03.2022 has also not been treated as a disqualification or a disallowing of participation inasmuch as subsequent tender proceedings subject, however, to the terms and conditions of the individual tender in respect of which mention has been made in paragraph 8 itself by the respondent-State.

5. In view of the aforesaid, learned counsel for the petitioner submits that nothing further survives in the petition for adjudication and the same may be disposed of taking on record the said statement on affidavit as well as the statement made by learned Additional Advocate General, Haryana.

6. Accordingly, in view of the submissions made by learned counsel for the petitioner and the statement of learned Additional Advocate General, the petition stands disposed of in terms thereof.

(Ravi Shanker Jha)
Chief Justice

(Arun Palli)
Judge

19.07.2023

Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO