

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

(213)

CWP-22516-2022

Date of decision: - 27.03.2023

Krishi Vikas Sahakari Samiti Ltd.

....Petitioner

Versus

Haryana Land Reclamation and Development Corp. Ltd. & another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS BAHL, JUDGE**

**Present:- Mr. Chetan Mittal, Senior Advocate
with Mr. Kunal Mulwani, Advocate,
Mr. Udit Garg, Advocate,
Mr. Vikas Thakur, Advocate &
Mr. Ritvik Garg, Advocate
for the petitioner.**

**Mr. D.K. Singhal, Advocate
for respondent No.1.**

**Mr. Deepak Balyan, Additional Advocate General, Haryana
for respondent No.2.**

RAVI SHANKER JHA, CHIEF JUSTICE (ORAL)

This writ petition has been filed to quash the order dated 12.05.2022 by which the petitioner has been blacklisted for a period of five years.

Learned Senior counsel for the petitioner submits that a show cause notice was issued to the petitioner on 07.07.2020 seeking to blacklist the petitioner on various grounds to which the petitioner had filed a very detailed reply on 11.09.2020 and thereafter, the authorities

have passed the impugned order dated 12.05.2022. He, however, submits that the issue raised by the petitioner in the reply to the show cause notice regarding a clean chit being given to the samples that were sent for testing by the authorities themselves in the matter of Sonipat and regarding taking action of blacklisting against the petitioner on the basis of its acts that were not even subject matter of the blacklisting proceedings as well as several other factual aspects including the aspect that the inquiry into the misbranding and faulty material was still not complete and was pending were taken, but have not been taken into consideration by the authorities. Learned Senior counsel for the petitioner further points out that during the pendency of this writ petition, an order passed by the Court dealing with the complaint filed by the respondents, in which summons were issued, was also assailed by the petitioner in revision and the revisional Court by its order dated 04.02.2023 has quashed the summoning order and has remitted the matter back to the Chief Judicial Magistrate, Palwal, for reconsidering the issue of summoning of the petitioner in the light of and in accordance with the decisions of various Courts. Learned Senior counsel for the petitioner points out that several aspects have been taken up by the petitioner, but were not considered by the respondents while passing the order of blacklisting. Learned Senior counsel for the petitioner submits that in such circumstances, the authorities be directed to take back the order already passed and pass a fresh order.

Learned counsel appearing for respondent No.1 submits that in view of subsequent events that have occurred and the issues taken by

the petitioner in the reply would be taken up by the authorities and a fresh order would be passed by taking all facts and aspects into consideration in detail. He submits that the authorities would not be influenced by its previous order and would take an independent decision in the matter, taking all aspects into consideration, afresh. Learned counsel for respondent No.1 further submits that while doing so, the authorities would give the petitioner an opportunity to file a fresh reply as well as an opportunity of hearing before passing the order and the exercise would be undertaken and completed by the respondents expeditiously, in accordance with law.

Taking the above-said statement of learned counsel for respondent No.1 on record, the present writ petition is disposed of in terms thereof.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(VIKAS BAHL)
JUDGE

27.03.2023
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