



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

**CWP No.1948 of 2019 (O&M)
Date of Decision :14.08.2024**

M/s Singh Enterprises and another

.....Petitioners

Versus

Bharat Sanchar Nigam Limited and another

..... Respondents

**CORAM: HON'BLE MR.JUSTICE ARUN PALLI
HON'BLE MR.JUSTICE VIKRAM AGGARWAL**

Present : Ms. Ritam Aggarwal, Advocate for the petitioners.

**Ms. Puneeta Sethi, Sr. Panel Counsel
for respondent No.1.**

Ms. Anita Sharma, Advocate for respondent No.2.

ARUN PALLI, J. (Oral):

**On 24.01.2019, the then Division Bench, had passed the following
order:-**

**“It is submitted that in response to show cause
notice a detailed reply was submitted by the petitioner but,
without advertng to the facts mentioned therein, the
petitioners have been blacklisted for a period of four years by
passing a totally non-speaking order and the security deposit
has also been forfeited.**

***Prima facie* from a perusal of record, there
appears to be force in the contention and the issue requires
scrutiny.**

Notice of motion.

Ms. Puneeta Sethi, Senior Panel Counsel, Union of



India, who is present in the Court, accepts notice on behalf of the respondents and requests for a short accommodation to file written statement.

To be listed on 19.03.2019.

Considering the facts, till the next date of listing, the effect and operation of blacklisting of the petitioner-firm shall remain in abeyance and it shall be allowed to participate in the tender process, if any notice for the same is issued by the respondents, provisionally.”

Ex facie, a period of nearly 6 years has gone by and the order, referred to above, vide which, blacklisting of the petitioner-firm was kept in abeyance is operative to date.

Having argued the matter at some length and upon being pointedly asked, learned counsel for the contesting respondent (respondent No.2), concedes that the impugned order dated 30.11.2018 (Annexure-P7), is apparently non-speaking, and thus, indefensible. Therefore, she submits that the same be deemed to have been recalled/withdrawn. And, the competent authority shall now pass the necessary orders afresh, in accordance with law, not only as regards the blacklisting of the petitioners-firm, but also the forfeiture of the security deposits and all other related issues, after affording a hearing to the petitioners, for which a formal communication shall be issued, well in advance.

That being so, learned counsel for the petitioners submits that nothing substantive survives in the petition and the same be disposed of in terms of the statement made by learned counsel for respondent No.2.



However, she submits that a considerable time has elapsed since the order dated 30.11.2018 (ibid) was passed. Further, on the web portal of respondent No.2, the petitioners-firm continues to be reflected as **blacklisted**, and thus, its right and interest are gravely impaired. Therefore, it is urged that respondent No.2 be directed to pass the necessary orders within a specified time.

In response, learned counsel for respondent No.2 submits that the competent authority shall take cognizance of the matter forthwith and pass appropriate orders in accordance with law within four weeks.

The petition is, accordingly, disposed of in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the competent authority shall look into the matter in the right earnest. And, appropriate orders, in accordance with law, shall be passed within the time indicated by the learned counsel for respondent No.2.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the claim/grievance of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

14.08.2024
Manoj Bhutani

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