

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

CWP-16321-2020

Date of decision : 23.01.2024

M/s H.B. Security Services

....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: Mr. R.S. Randhawa, Advocate, for the petitioner.

Mr. Sehajbir Singh Aulakh, AAG, Punjab.

Mr. M.S. Batth, Advocate, for respondents No.2 and 3.

RITU BAHRI, ACTING CHIEF JUSTICE (Oral)

1. The petitioner firm is seeking quashing of the order dated 26.11.2018 (Annexure P-13) passed by respondents No.2 and 3, whereby it has been blacklisted for a period of two years.

2. Learned counsel for the parties state that as on today, the period of two years has come to an end.

3. Learned counsel for the petitioner submits that prior to the opening of the tender, vide letter dated 25.04.2018 (Annexure P-3), the petitioner firm had informed respondent No.3 that the Experience Certificate attached by it with the tender was mistakenly attached and a request was made that the Experience Certificate be ignored. The grievance of the petitioner firm is that despite this letter, show cause notice dated 15.05.2018 (Annexure P-4) for blacklisting it was issued.

After receipt of the show cause notice, vide letter dated 23.05.2018

(Annexure P-5) addressed to respondent No.3, the petitioner had made a prayer for withdrawal of the e-tender. In paragraph 31 (at page 25 of the paper-book) of the petition, the petitioner has stated that the entire tender process pursuant to advertisement No. 2818-FCSCA-13143-1 was cancelled.

4. The short question for consideration in this petition is that if the entire tender process was cancelled, why the petitioner firm was black-listed, despite the fact that it had sent letters dated 25.04.2018 (Annexure P-3) and 23.05.2018 (Annexure P-5) withdrawing the e-tender in view of the fact that by mistake, wrong Experience Certificate was attached by it with the tender bid. The explanation given by the petitioner for withdrawing the e-tender was sufficient and information regarding attaching of the wrong Experience Certificate was given to the authorities before the issuance of show cause notice. Moreover, since the tender itself was cancelled, there was no occasion for the respondents to proceed with and order the black-listing of the petitioner firm.

5. Consequently, the impugned order dated 26.11.2018 (Annexure P-13) passed by respondents No.2 and 3 is quashed.

6. Petition is, accordingly, allowed with costs of Rs. 20,000/-.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(NIDHI GUPTA)
JUDGE

January 23, 2024
ndj

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