

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

201

CWP-3750-2011 (O&M).
Date of Decision: 11.01.2024.

A-ONE BUILDERS

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Abhishek Singla, Advocate,
for the petitioner.

Mr. Sehajbir Singh Aulakh, AAG, Punjab

Mr. Parambir Singh, Advocate,
for respondents No.2 to 6.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been filed questioning the Resolution No.5955 dated 13.01.2011 (Annexure P-9) passed by the respondents whereby the petitioner-firm has been ordered to be black listed for an indefinite period. A further prayer has also been made for directing the respondents to make payment of Rs.15,36,000/- along with interest @ 18% per annum from the date of completion of work.

Costs imposed vide order dated 16.11.2023 stands deposited.

During the course of arguments, learned counsel appearing for the petitioner fairly concedes that so far as the issue in relation to release of payment is concerned, the same is a disputed question of fact which cannot be gone into by this Court and he would not press the said relief. He confines his prayer only to the extent whereby the petitioner has been black listed by the impugned order for an indefinite period.

A short reply has already been filed by the Municipal Corporation, Ludhiana, defending its resolution. They have taken a stand therein that pursuant to the tenders invited on 27.02.2009 only three tenders had been received by the Municipal Corporation, Ludhiana and one M/s Dass Builders Private Limited was issued the work order having quoted the lowest rate. However, the same was allowed to two different contractors notwithstanding that the petitioner was not even a bidder in the tendering process. The Agenda Branch Resolution No.1694 dated 28.02.2009 was mistakenly submitted and approved as such in the name of two contractors including the petitioner. The petitioner was never assessed and found eligible for allotment of the said work order. Accordingly, no payment was ever payable to the petitioner herein.

Learned counsel appearing for the respondents contends that taking into consideration the conduct of the petitioner, the order of blacklisting was passed by the authorities since the petitioner attempted to commit a fraud upon the Municipal Corporation on the strength of documents that were false and had been prepared in collusion and connivance with certain officials of the Municipal Corporation, Ludhiana.

On a pointed query, learned counsel for the respondent could not point to any provision or the source of power under which the order of black listing for an indefinite period could have been passed against the petitioner. He also could not assist this Court as to how such an order of black listing for an indefinite period was sustainable in law as it would have serious implications with respect to right of a person to carry on a trade or business.

In view of above, the present writ petition is partly allowed. The impugned Resolution No.5955 dated 13.01.2011 (Annexure P-9) is set aside to the extent whereby the petitioner-firm has been black listed and stopped from participating in the municipal contracts for an indefinite period.

Pending, misc. application(s), if any shall also stand(s) disposed of accordingly.

January 11, 2024
raj arora

(VINOD S. BHARDWAJ
JUDGE

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