



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19852 of 2019
Date of Decision: 09.12.2024.

Super Publicity Corporation Pvt. Ltd.

....Petitioner

Versus

Chandigarh Housing Board and another

....Respondents

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

Present: Ms. Diksha Kakkar, Advocate for
Mr. Aditya Grover, Advocate for the petitioner.

Mr. G.S. Wasu, Senior Standing Counsel with
Ms. Deepali Puri, Advocate for the respondent-CHB.

VIKRAM AGGARWAL J.

1. The petitioner (Super Publicity Private Limited) assails the order dated 28.12.2018 (Annexure P-1) vide which the petitioner was blacklisted for a period of two years and was debarred from participating in any future tenders of respondent-Chandigarh Housing Board for the next two years and further the earnest money deposited by the petitioner was also forfeited. The petitioner also seeks quashing of the show-cause notice dated 16.02.2017 (Annexure P-13).

2. On 22.07.2019, a Co-ordinate Bench passed the following order:-

“Petitioner was served with a show cause notice dated 16.2.2017 (Annexure P13). The petitioner filed detailed reply on 20.3.2017 (Annexure P14) and the impugned order dated 28.12.2018, was passed vide Annexure P1.



CWP No.19852 of 2019 (O&M)

-2-

Notice of motion returnable on 22.8.2019.

Prima facie, the reply filed by the petitioner to the show cause notice dated 16.2.2017 (Annexure P13), has not been considered in the right perspective. The purpose of the show cause notice is to enable a person to present his/her case before the concerned authority. Accordingly, a prima facie case is made out in favour of the petitioner and balance of convenience also lies in favour of the petitioner. Consequently, there shall be stay of the impugned order dated 28.12.2018 (Annexure P1)."

3. Learned counsel for the petitioner submits that the impugned order was passed without considering the reply submitted by the petitioner to the show-cause notice dated 16.02.2017 (Annexure P-13) thereby defeating the purpose for which the show-cause notice had been issued.

4. To this, learned counsel representing the respondents very fairly concedes that there was no due consideration of the reply submitted by the petitioner to the show-cause notice dated 16.02.2017 and that though the impugned order dated 28.12.2018 refers to the said reply, it does not discuss the contents thereof and as to on what basis the said contentions were rejected. Accordingly, she submits that the impugned order i.e. the order dated 28.12.2018 (Annexure P-1) be treated to have been withdrawn. She submits that respondent No.2 shall examine the matter afresh and after considering the show-cause notice and the reply submitted thereto as also the relevant record, a fresh speaking order shall be passed within a period of six weeks from today.



5. Learned counsel for the petitioner is agreeable to the aforesaid course suggested by learned counsel representing the respondents and submits that the writ petition be disposed of in terms of the statement given by her.

6. Accordingly, the writ petition is disposed of in terms of the statements given by learned counsel for the parties binding them to the same.

7. This Court is sanguine that the authority concerned shall consider the matter in the right earnest and shall pass the necessary order in accordance with law.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated above, the authority concerned shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

December 09, 2024
Rekha

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