



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 20645 of 2023
Date of decision: 20.11.2024

M/s Core Constructions

.... Petitioner

Vs.

State of Punjab and others

.... Respondents

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

Present: Ms. Supriya Garg, Advocate
for the petitioner.

Mr. Jastej Singh, Deputy Advocate General, Punjab.

Mr. Sukhjot Singh, Advocate
for respondents No.2 to 5.

Ms. Rashika Bansal, Advocate
for respondent No.6.

ARUN PALLI, J (Oral)

On March 06, 2024, this Court had passed the following order:

“On 20.02.2024, this Court had passed the following order:-

“Contends, inter alia, that ex facie, the impugned order dated 27.03.2023 (P-8) is palpably erroneous, for the petitioner was blacklisted/debarred for a period of one year without affording any show cause or even a hearing. Faced with this, learned counsel for respondents No.2 to 5 submits that he be afforded a short accommodation to seek instructions. However, learned counsel for the respondents submit that though replies on behalf of respondents No.2 to 5 and 6 have since been filed, but a formal notice is yet to be issued.

Notice of motion.

Mr. Sukhjot Singh, Advocate, for respondents No.2 to 5 and Mr. Dheeraj Mahajan, Advocate, for respondent No.6, accept notice.



As prayed, adjourned to 27.02.2024.

To be taken up immediately after the urgent matters.”

Upon being pointedly asked, if before passing the impugned order dated 27.03.2023 (P8), vide which, the petitioner was debarred/blacklisted for a period of one year, it was issued any show cause or heard, learned counsel for respondents No.2 to 5-Trust, on instructions from Sh.Ravinder Kumar, XEN, submits that neither any notice to show cause was issued to the petitioner, nor it was heard before passing the order under challenge.

A short accommodation is prayed for to argue the matter.

Adjourned to 09.04.2024.

In the meanwhile, the impugned order dated 27.03.2023 (ibid) as regards debarring/blacklisting the petitioner for a period of one year shall remain stayed till the adjourned date.”

The factual position, noticed in the order, referred to above, is not disputed by learned counsel for the respondents No.2 to 5. That being so, he fairly concedes that the impugned order dated March 27, 2023, is indefensible in the wake of the decision rendered by the Supreme Court in Gorkha Security Services Vs. Government (NCT of Delhi) and others, (2014) 9 Supreme Court Cases 105; Vetindia Pharmaceuticals Limited Vs. State of Uttar Pradesh and another, (2021) 1 Supreme Court Cases 804 and Kulja Industries Limited Vs. Chief General Manager, Western Telecom Project BSNL and others, (2014) 14 SCC 731.

Accordingly, he submits, for the competent authority would re-examine the issue as regards the blacklisting/debarring the petitioner, the impugned order (*ibid*) be deemed to have been withdrawn/re-called and a fresh order, in accordance with law, would be passed. After issuance of show cause notice and affording opportunity of hearing to the petitioner.



Learned counsel for respondent No.6 (M/s G.K. Construction Company) submits that post cancellation of contract assigned to the petitioner, the respondent No.6 being L-2 was assigned the pending works. And, 80-90% of the work has since been executed on the ground.

Faced with this, learned counsel for the petitioner, as always, fairly submits that as regards the issue of blacklisting/debarment, the petition has been rendered infructuous, and for rest of the reliefs prayed for in the petition, the petitioner, if so advised, would avail the remedies under the General Common Law.

In the wake of the position sketched out above, this petition is accordingly disposed of.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

20.11.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No