

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

CWP-26174-2023

Date of decision: 05.02.2024

M/s Aman Security & Detectives

....Petitioner

Versus

Union Territory of Chandigarh and another

....Respondents

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

Present: Mr. Akshay Bhan, Senior Advocate, with
Mr. Sushant Kareer, Advocate, for the petitioner.

Mr. Anil Mehta, Senior Standing Counsel, with
Ms. Madhu Dayal, Advocate
Mr. Rohit Kaushik, Advocate,
for the respondents-U.T., Chandigarh.

ARUN PALLI, J. (Oral)

A Certiorari is prayed for, to quash the order dated 03.11.2023 (P-13), issued by the Chief Executive Officer, Chandigarh Administration (Society for Tourism & Entertainment in Chandigarh), whereby the petitioner concern, as also its sole proprietor (J.S. Tanwar), has been blacklisted and debarred from participating in future tenders for a period of two years. Further, even the firms, in which the petitioner (J.S. Tanwar) is a partner, have also been debarred.

Pursuant to the order dated November 21, 2023, passed by this Court, the respondents have submitted a response. Besides the stand set out on merits, it is averred that per clause 3 of the notification dated 27.02.2009, against an order of blacklisting passed by the competent authority, the person aggrieved has a remedy of appeal before the Administrative Secretary of the concerned Department.

Faced with this, learned Senior counsel for the petitioner submits that in the given circumstances, it would be expedient if the petitioner is relegated to avail the remedy of appeal, as indicated in the return submitted by the Administration, in the first instance. However, he points out that in terms of clause 3 (*ibid*), an appeal was to be preferred within 30 days from the communication of the order of blacklisting. But,

as the petitioner chose to approach this Court vide the petition at hand, in the interregnum, the period 30 days has since elapsed.

As to this, learned Senior Standing Counsel for the respondents submits that if the petitioner files an appeal, as indicated above, within a week from today, the same shall be entertained. And the competent authority would proceed therewith to hear the petitioner and pass necessary orders thereon, in accordance with law.

Learned Senior counsel for the petitioner is in agreement with the course suggested by the learned counsel for the respondents, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that as with each passing day, the interest/rights of the petitioner are severely impacted, the appellate authority be directed that in the event the petitioner files the appeal, the same is decided within a specified time.

In response, learned counsel for the respondents submits that appropriate orders shall be passed within a period of six weeks from the receipt of the said appeal.

In the wake of the above, we are not required to delve any further into the merits of the case. Accordingly, the petition is disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by the learned counsel for the respondents.

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 concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

05.02.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No