

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. (S). 434 OF 2015

(Arising out of S.L.P. (C) No.19863 of 2013)

M/S. CHANDEL GROUPS

Appellant(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

O R D E R

Leave granted.

The High Court has declined to interfere with an order passed by the Chief Engineer of the Public Works Department, Varanasi, U.P., blacklisting the appellant-company for allotment of any contracts in future. The blacklisting order it appears came on account of an allegation to the effect that even though the registration certificate of the appellant was valid only upto 30<sup>th</sup> June, 2012 the same had been interpolated so as to make it, appears to be, valid upto 30<sup>th</sup> June, 2013. The appellant appears to have relied upon an affidavit filed by Mr. C.K. Srivastava, Administrative officer of the Public Works Department, that it was he who had committed the mistake and was responsible for the alleged interpolation which version was rejected.

Be that as it may, in the present appeal filed by the appellant-company to challenge the blacklisting order we had issued notice limited to the question whether the same

can be restricted to a specific period. Mr. Ratnakar Dash, learned senior counsel appearing for the respondent-State, submits that while it is true that the blacklisting order does not specify any definite period for which the same will remain effective, the appellant can make a suitable representation so as to limit its efficacy to a definite period. He submits that once a representation is made, the competent authority shall consider the same and pass a reasoned order on the subject.

We have in M/s. Kulja Industries Limited v. Chief Gen. Manager W.T. Proj. BSNL & Ors. - 2013 (12) SCALE 423 considered a similar question at some length and taken the view that blacklisting cannot be directed for ever except in some exceptional circumstances. We have also laid down some broad parameters which need to be taken into consideration for determining the period for which blacklisting can be ordered. In the light of the said decision, we would only say that if the appellant makes a suitable representation to the competent authority, it shall consider the same in accordance with law keeping in view the observations made in the above decision and pass an appropriate order on the subject under intimation to the appellant-company. We reserve liberty to the

appellant to challenge any such order made by the competent authority, in separate proceedings, if so advised.

With the above observations, we allow this appeal but only in part and to the extent indicated above. No costs.

.....J.  
(T.S. THAKUR)

.....J.  
(R. K. AGRAWAL)

.....J.  
(ADARSH KUMAR GOEL)

NEW DELHI  
DATED 14<sup>th</sup> JANUARY, 2015.

ITEM NO.8

COURT NO.2

SECTION XI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 19863/2013

(Arising out of impugned final judgment and order dated 30/05/2013 in CMWP No. 24367/2013 passed by the High Court Of Judicature at Allahabad)

M/S. CHANDEL GROUPS

Petitioner(s)

VERSUS

STATE OF U.P. &amp; ANR.

Respondent(s)

Date : 14/01/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MR. JUSTICE R.K. AGRAWAL  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. Rituvendra Singh, Adv.  
Mr. Abhinav Shrivastava, Adv.  
Dr. Kailash Chand, Adv.

For Respondent(s) Mr. R.K. Dash, Sr. Adv.  
Mr. C. D. Singh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

In terms of the signed order, this appeal is partly allowed.

"We have in M/s. Kulja Industries Limited v. Chief Gen. Manager W.T. Proj. BSNL & Ors. - 2013 (12) SCALE 423 considered a similar question at some length and taken the view that blacklisting cannot be directed for ever except in some exceptional circumstances. .... In the light of the said decision, we would only say that if the appellant makes a suitable representation to the competent authority, it shall consider the same in accordance with law keeping in view the observations made in the above decision and pass

an appropriate order on the subject under intimation to the appellant-company. We reserve liberty to the appellant to challenge any such order made by the competent authority, in separate proceedings, if so advised.

With the above observations, we allow this appeal but only in part and to the extent indicated above. No costs."

(MAHABIR SINGH)  
COURT MASTER

(VEENA KHERA)  
COURT MASTER

(Signed order is placed on the file)