

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)

llant(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

nt(s)

O R D E R

Leave granted.

The High Court has declined to interfere with

h 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 30th June, 2012 the same had been interpolated so as

to make it, appears to be, valid upto 30th 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

leged

interpolation which version was rejected.

Signature Not Verified

Digitally signed by

Mahabir Singh

Date: 2015.01.20

17:03:44 IST

Be that as it may, in the present appeal filed by the

Reason:

appellant-company to challenge the blacklisting order we

had issued notice limited to the question whether the same

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

3

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)

above. No costs."

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER

(Signed order is placed on the file)