

2022 LiveLaw (SC) 694

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
HEMANT GUPTA; J., VIKRAM NATH; J.
AUGUST 16, 2022

Civil Appeal No. /2022 (@ Petition for Special Leave to Appeal (C) No.32840/2018)

M/S CHAUHAN BUILDERS RAIBARELI versus THE STATE OF UTTAR PRADESH & ORS.

Award of Tender - Contractor cannot be blacklisted for life - One cannot be blacklisted for life. The order of blacklisting to the extent that it has not specified the period cannot be sustained.

(Arising out of impugned final judgment and order dated 05-09-2018 in MB No. 12097/2013 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

For Petitioner(s) Mr. Amit Kumar Singh, Adv. Ms. Rashmi Singh, AOR

For Respondent(s) Mr. Ardhendumauli Kumar Prasad, AAG Mr. Ajay Vikram Singh, AOR Ms. Priyanka, Adv. Ms. Priyanka Singh, Adv. Ms. Pranjali Goel, Adv. Mr. Shekhar Srivastava, Adv. Ms. Shreya Srivastava, Adv. Mr. Ashish Madaan, Adv. Ms. Ananya Sahu, Adv. Mr. Rajiv Mehta, AOR Mr. Ahanthem Hery, Adv. Mr. Vivek Kumar, Adv. Ms. Priyanka, Adv.

ORDER

Leave granted.

The challenge in the present appeal is to an order passed by the High Court of Allahabad on 05.09.2018, whereby the writ petition filed by the appellant against the order of black listing the appellant from the panel of approved contractors was dismissed.

The appellant submitted its offer to carry out certain construction works in pursuance of tender notice dated 18.07.2012. However, in the process, there was allegation that the appellant used foul language against the officers of the State.

A show cause notice was issued. After consideration of the reply, the appellant was black listed vide order dated 07.02.2013. The challenge to the said order remained unsuccessful before the High Court vide order impugned in the present appeal.

It is conceded that while passing an order of blacklisting on 07.02.2013, no period of blacklisting was specified.

One cannot be blacklisted for life. The order of blacklisting to the extent that it has not specified the period cannot be sustained. Since the order was passed way back in 2013 and the writ petition was dismissed on 05.09.2018, we deem it appropriate to exercise the powers under Article 142 of the Constitution to pass an order of blacklisting the appellant for a period of five years from the date the order was passed.

However, it shall not debar the appellant from seeking fresh enlistment in accordance with law, so as to act as contractor in respect of works to be advertised by the State.

With the said modification, the appeal stands disposed of.

It shall be open to the appellant to seek enlistment to the panel of Public Works Department.