

Court No. - 3

Case :- MISC. BENCH No. - 1167 of 2020

Petitioner :- Alpha Communication Ltd. Through Vice President

Respondent :- State Of U.P. Through Prin. Secy. Deptt. Of Energy Lucknow & Ors

Counsel for Petitioner :- Shobhit Mohan Shukla, Vatsla

Counsel for Respondent :- C.S.C., Aprajita Bansal

Hon'ble Anil Kumar.J.

Hon'ble Saurabh Lavania.J.

Heard Sri Shobhit Mohan Shukla, learned counsel for petitioner, learned State counsel on behalf of respondent No. 1 as well as Ms. Aprajita Bansal, learned counsel for respondent Nos. 2 to 4 and perused the record.

Learned counsel for petitioner submits that in respect to the controversy involved in the present writ petition, earlier a Writ Petition No. 30207 (MB) of 2019, has been filed, which was disposed by order dated 05.11.2019, relevant portion quoted as under:-

"In view of the above, we set aside the order dated 11.10.2019 to the extent of debarration of the petitioner's firm from participation in business for a period of three years. It is with liberty to the respondents to pass an order afresh after giving opportunity of hearing to the petitioner for debarration/black listing, if they so chooses. This order will not come in the way for the aforesaid.

The petition is disposed of with the aforesaid."

Accordingly, learned counsel for petitioner submits that same benefit may also be given to the present petitioner.

Ms. Aprajita Bansal, learned counsel appearing on behalf of respondent No.2 to 4 does not dispute the said request.

Thus, in view of the abovesaid facts, as well as keeping in view the order dated 05.11.2019 passed by coordinate bench of this Court as well as law laid down by Hon'ble the Apex Court in the case of Rajsthan Public Service Commission and anr. Vs. Harish Kumar Purohit and Ors., 2003 (5) SCC 480, we set aside the order dated 10.10.2019 to the extent of debarration of the petitioner's firm from participation in business for a period of three years. It is with liberty to the respondents to pass an order afresh after giving opportunity of hearing to the petitioner for debarration/black listing, if they so chooses. This order will not come in the way for the aforesaid.

The petition is disposed of with the aforesaid.

(Saurabh Lavania,J.) (Anil Kumar,J.)

Order Date :- 17.1.2020

dk/

