

Court No. - 21

Case :- WRIT - C No. - 30696 of 2023

Petitioner :- M/S Garg Contractor And Suppliers

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Dr. Akhilesh Kumar

Counsel for Respondent :- C.S.C.,Rakesh Kumar Gupta

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Donadi Ramesh,J.

1. The petitioner has challenged the order dated 14.06.2023 passed by Chief Engineer, Nagar Nigam, Firozabad debarring the petitioner from participating in future contracts of Nagar Nigam, Firozabad. The said direction has been issued on the allegation that the petitioner had obtained character certificate dated 24.05.2022 from District Magistrate by concealing the fact relating to pendency of Crime Case No.0192 u/s 420, 467, 468, 471 IPC dated 29.08.2020 and Crime Case No.0370 u/s 420, 467, 468, 471, 323, 504, 506 IPC and 3 (1) S.C./S.T. Act dated 17.12.2020. It has been observed in the impugned order that there is specific stipulation that the character certificate would be valid for three years but in case any criminal case is registered against the petitioner during this period, the character certificate would be rendered void. Since the petitioner had succeeded in obtaining the character certificate by concealing the fact relating to pendency of two criminal cases, therefore, the character certificate was treated to be ineffective.

2. Learned counsel for the petitioner submits that in Crime Case No.0192 of 2023, his arrest has been stayed in Criminal Misc. Writ Petition No.11289 of 2020 and the interim order is still in operation. The Police has not submitted any charge sheet in the

said case. In Crime Case No.0370, a final report has been submitted and the matter is pending before the court for acceptance of the final report. He submits that the impugned order was passed without any notice or opportunity of hearing to the petitioner, otherwise aforesaid facts could have been placed before respondent no.4.

3. Sri Rakesh Kumar Gupta, learned counsel for respondents no.3 and 4 does not dispute that the impugned order was passed without providing opportunity of hearing to the petitioner. He fairly states that the stand of the petitioner will be considered by respondent no.4 and he will pass a fresh order.

4. Accordingly, the impugned order is hereby quashed. The petitioner will have two weeks from today to file detailed representation before respondent no.4 alongwith documentary evidence. Respondent no.4 will take decision in the matter within next two weeks.

5. The petition stands disposed of accordingly.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 24.11.2023

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