

Court No. - 21

Case :- WRIT - C No. - 35901 of 2023

Petitioner :- M/S Shantnu Construction Kishni Road

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

Counsel for Petitioner :- Shri Krishna Mishra, Ajay Mishra

Counsel for Respondent :- C.S.C., Manvendra Nath Singh

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The petitioner has challenged the order dated 30.09.2023 passed by respondent no. 4 and order dated 24.06.2023 also passed by the same respondent directing recovery of 35% of the contract money from the petitioner's firm and reiterating as correct the previous orders passed in relation to recovery and blacklisting of the petitioner firm.

2. Counsel for the parties agree that the instant case is covered by the order passed today in Writ-C No. 35844 of 2023. The said writ petition has been allowed today and the operative part of the order is as follows:

"5. We are satisfied that the impugned order does not comply with the principles of natural justice. One of the essential ingredients of principles of natural justice is to consider the explanation submitted by the person against whom the order is being passed. In the instant case, as noted above, there is no application of mind to the objections submitted by the petitioners against the inquiry report. The order has been passed in a casual and pedantic manner, ignoring the fact that in the previous round of litigation also the order passed by respondent no. 4 was set aside holding that it does not reflect application of mind.

6. Having regard to the above, we hereby quash the impugned order but leave it open to respondent no. 4 to pass fresh order consistent with the principles of natural justice.

7. The writ petition stands allowed to the extent indicated above."

3. Accordingly, the instant petition is also **disposed of** in above terms.

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

Order Date :- 22.11.2023/Ruhi H.