

Court No. - 2

Case :- WRIT - C No. - 5195 of 2023

Petitioner :- M/S Rishi Enterprises Corporate Lko. Thru.

Proprietor Rishi Arora

Respondent :- State Of U.P. Thru. Prin./Addl. Chief Secy.

Deptt. Of Medical Edu. And Training U.P. Lko And Others

Counsel for Petitioner :- Manoj Kumar Chaurasiya, Shobhit

Mohan Shukla, Sr. Advocate

Counsel for Respondent :- C.S.C., Abhinav Trivedi

Hon'ble Rajan Roy, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. It appears that a contract was granted for providing fire fighting equipment etc. Four different contracts were awarded. All the four contracts have been cancelled by orders dated 27.05.2023, 26.05.2023 and 03.06.2023. The said orders are not under challenged but the order under challenge is dated 14.06.2023 by which the petitioner has been blacklisted.

2. The contention of Shri I.P. Singh, learned Senior Counsel appearing for the petitioner along with Shri Shobhit Mohan Shukla, is that three separate show cause notices were issued to the petitioner in respect of three separate tenders for blacklisting. A reply was admittedly submitted by the petitioner in respect of the three show cause notices but the contents of the reply have nowhere been considered and the same has been brushed aside cursorily merely by saying that on examination the explanation was not found satisfactory. The submission is that the order is apparently non-speaking and unreasoned and it is against the principles of natural justice and Article 14 of the Constitution of India.

3. On being confronted, Shri Abhinav Trivedi, learned counsel

appearing for opposite party no.2 though tried to sustain the impugned order by submitting that facts have been concealed by the petitioner while obtaining the tender could not deny the fact that the reply submitted by the petitioner has not been considered while passing the impugned order.

4. On a bare reading of the order, it is non-speaking and unreasoned order which is against the principles of natural justice, therefore, only for this reason, we quash the order dated 14.06.2023. However, we grant liberty to the opposite party no.2 to pass a fresh order after considering the reply already submitted by the petitioner.

5. The petition is **allowed** subject to the liberty aforesaid.

6. At this stage, learned counsel for the petitioner says that so far as the cancellation of contract is concerned, the petitioner will avail appropriate remedy as per law.

Order Date :- 23.6.2023

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