

Court No. - 2

Case :- WRIT - C No. - 10820 of 2024

Petitioner :- M/S Sahaj Solar Ltd. Thru. Its Auth. Signatory Mr. Bhavik Parmar

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Addl. Sources Of Energy Lko And 2 Others

Counsel for Petitioner :- Ritwick Rai, Alok Kumar Singh, Ankit Kumar Pandey, Ashutosh Verma, Aviral Raj Singh, Dhruv Kumar Singh, Palash Banerjee, Vaibhav Tiwari

Counsel for Respondent :- C.S.C., Nishant Shukla

Hon'ble Rajan Roy, J.

Hon'ble Brij Raj Singh, J.

1. Heard Sri Jaideep Narain Mathur, learned Senior Counsel assisted by Sri Ritwick Rai, Sri Aviral Raj Singh and Sri Ashutosh Verma, learned counsel for the petitioner, learned Standing Counsel and Sri Nishant Shukla, learned counsel for the Uttar Pradesh New & Renewable Energy Development Agency (UPNEDA).

2. After hearing the learned counsel for the parties and perusing the record, ultimately what comes out is that an order of blacklisting dated 29.10.2024 was passed against the petitioner without a notice or opportunity of hearing to him. The facts leading to the said order as stated by Sri Mathur are that the petitioner had tendered a bid in a tender process, however, subsequently, it realized that a corrigendum had been issued enhancing the scope of the work which was not noticed by it which led to a low bid being submitted, therefore, an application was given to the opposite parties stating that the bid submitted by the petitioner should not be considered, however, instead of allowing the said request, an order dated 29.10.2024 blacklisting the petitioner and forfeiting the earnest money to the tune of Rs. 80,76,000/- was passed. Based on this scenario the petitioner submitted another representation asking the opposite parties to consider the tender submitted by the petitioner but instead of acceding to the said request another decision was taken and communicated to the petitioner on 12.11.2024 debarring the petitioner for two years i.e. instead of blacklisting. The fact remains that no notice or opportunity of hearing was given prior to the passing of either of the orders.

3. At this stage, learned counsel for the UPNEDA says that the subsequent representation of the petitioner was after an

explanation had been sought from petitioner by the opposite parties, as to how they would perform their work as such low prices quoted by them.

4. Be that as it may, the fact is, orders having civil consequences have been passed without adequate opportunity or notice, which is impermissible in law. We, therefore, quash the impugned orders, however, with liberty to the opposite parties to proceed to pass a fresh order after due opportunity/notice to the petitioner with regard to the allegations/materials, which may form the basis for any action proposed to be taken in this regard.

5. The writ petition is **allowed in the aforesaid terms.**

[Brij Raj Singh, J.] [Rajan Roy, J.]

Order Date :- 19.12.2024

Anuj Singh