

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 389 of 2015**

M/s. Manoj Traders, Sankra Road, Nagari, Tahsil Nagri, Distt. Dhamtari,
 Prop. Manoj Gupta, B-Class Contractor, r/o Sankra Road, Nagri, Tahsil Nagri,
 Distt. Dhamtari (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Deptt. of Scheduled Caste & Scheduled Tribe Development and Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. The Commissioner, Tribal Development & Welfare, Chhattisgarh, Raipur, Tahsil & Distt. Raipur (Chhattisgarh)
3. The Collector (Tribal Development), Distt. Dhamtari, (Chhattisgarh).
4. The Asstt. Commissioner, Tribal Development, Dhamtari, Distt. Dhamtari (Chhattisgarh).
5. The Sub-Divisional Officer (Revenue), Nagri, Distt. Dhamtari (Chhattisgarh).
6. The Executive Engineer, Office of Commissioner, Tribal Welfare and Development, Chhattisgarh, Raipur (Chhattisgarh).
7. The Sub-Engineer, Tribal Development, Dhamtari, Distt. Dhamtari (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri R.N. Pusty, Advocate.
For Respondents/ State	:	Shri Prafull Bharat, Additional Advocate General.

HON'BLE SHRI NAVIN SINHA, CHIEF JUSTICE &
HON'BLE SHRI P. SAM KOSHY, J.

Order On Board**Per NAVIN SINHA, C.J.****10/4/2015**

1. The Petitioner is aggrieved by the order dated 8.12.2014 simultaneously terminating the contract and placing it in the black-list.
2. Learned Counsel for the Petitioner submits that in so far as termination of the contract is concerned he does not press the same in the present writ application, reserving the right to pursue remedies in

accordance with law and confines the submission to black-listing only without any opportunity to show-cause. Our attention is invited to the show-cause dated 3.11.2014 referred to in the impugned order and submitted that the Respondents had only called upon the Petitioner to commence works failing which appropriate action for cancellation of the contract may be issued. No show-cause notice was issued with regard to black-listing before issuance of the impugned order. Reliance was placed on (2014) 9 SCC 105 (Gorkha Security Services Vs. Govt. NCT of Delhi).

3. Learned Additional Advocate General submits that despite repeated opportunities as mentioned in the impugned order itself, the Petitioner did not start the works. If the black-listing has been ordered without opportunity to show-cause, the Respondents may be permitted to act in accordance with law.

4. It has repeatedly been held that an order of black-listing has civil consequences virtually resulting in closer of business termed as civil death. The law stands well settled that black-listing cannot be ordered without prior opportunity to show-cause. At this stage, we are concerned only with the decision making process and not the merits of the decision.

5. In absence of any notice to show-cause the impugned order dated 8.12.2014 is held to be unsustainable and is set aside in so far as it directs black-listing of the Petitioner, but without prejudice to the rights of the Respondents afresh in accordance with law.

6. The writ application is allowed to the extent indicated above.

(Navin Sinha)
CHIEF JUSTICE

(P. Sam Koshy)
JUDGE