

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 2540/2014.**

Ashok Amarchand Rathi

**VERSUS**

State of Maharashtra and 2 others.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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**CORAM : B.P. DHARMADHIKARI**  
**& A.P. BHANGALE, JJ.**

**DATED : JANUARY 20, 2015.**

Heard Shri D.M. Kakani, learned Counsel  
for the petitioner and Shri A.S. Fulzele, learned A.G.P.  
for respondents. Perused the impugned order dated  
29.01.2014 by which petitioner has been blacklisted.

This punishment has been inflicted because  
of a report which has come on record of this Court in  
Public Interest Litigation No.28/2010. Respondents do  
not dispute that, that report has not been prepared

after giving petitioner necessary opportunity. After receipt of report, only a show cause notice was served upon the petitioner and he submitted his reply denying all the allegations. No enquiry was conducted and petitioner has been blacklisted.

Similar challenge is considered by this Court while deciding Writ Petition No. 908, 845, 905, 990 and 1046 of 2014 on 03.03.2014. The orders blacklisting petitioners/contractors were set aside.

In this situation, it is apparent that as petitioner was not given proper opportunity, the order dated 29.01.2014 is unsustainable, the same is accordingly quashed and set aside. However, it is made clear that this order shall not come in the way of the Authorities in proceeding further in accordance with law.

Writ Petition is, thus, partly allowed and disposed of. No costs.

**JUDGE**

**JUDGE**

Rgd