

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1129 of 2016**

Syndicate Pharma Camp India Limited, a proprietorship firm having its registered office at 188, Sector F, Sanwer Road, Indore (M.P.) through its authorized representative Manish Agrawal S/o Shri J.P.Agrawal, aged about 31 years, R/o Plot No.1-B, Meghna Block, Marlin Jaishri Vihar, Mandi Gate, Pandari, Raipur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Health and Family Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur (CG)
2. Chhattisgarh State Medical Services Corporation Limited, a state owned corporation having its office at 3rd Floor, Govindsarang Vyavasayik Parisar, Naya Rajendra Nagar, Raipur (CG)
3. Managing Director, Chhattisgarh State Medical Services Corporation Limited, Office at 3rd Floor, Govindsarang Vyavasayik Parisar, Naya Rajendra Nagar, Raipur (CG)

---- Respondents

For Petitioner	:	Mr.Kishore Bhaduri, Advocate
For Respondent No.1	:	Mr.Y.S.Thakur, Dy.A.G.
For Respondent No.2&3:	:	Mr.C.J.K.Rao, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****Per Shri Deepak Gupta, Chief Justice****09/08/2016**

1. By means of this writ petition, the petitioner-company has prayed for quashing of the order dated 25.8.2014 (Annexure P/1).
2. According to the petitioner, the petitioner-company was not aware of the order dated 25.8.2014 and they came to know only on 30.12.2015 when E-mail was sent to them regarding their blacklisting.

3. It is admitted case that before blacklisting the petitioner-company, no notice was given.
4. In **Gorkha Security Services vs. Government (NCT of Delhi) and others** reported in **(2014) 9 SCC 105**, the Apex Court has clearly laid-down that before the company can be blacklisted, notice must be issued to the company, wherein it should be clearly set out that the department proposes to blacklist the company.
5. Since, no such notice has been issued to the petitioner-company, we are left with no other option except to quash the impugned order. Therefore, we quash the impugned order. However, it is left open to the respondents No.2 and 3 to take appropriate steps against the practitioner-company.
6. We also make it clear that the petitioner-company shall be at liberty to raise the grounds in case some order would be passed after giving opportunity of hearing to the petitioner-company. Order to be passed strictly taking into consideration all the defences raised by the petitioner-company.
7. Needless to say, if the order is passed against the petitioner-company, the petitioner-company shall be at liberty to approach this Court again.
8. The writ petition is allowed to the extent indicated hereinabove.

Sd/-
(Deepak Gupta)
Chief Justice

Sd/-
(Sanjay K.Agrawal)
Judge