

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4479 OF 2015

Saurabh Trading Company,
Through its Proprietor,
Udhhav Bhagwat Kadam .. Petitioner

Versus

The State of Maharashtra and Another .. Respondents

Shri Ram S. Shinde, Advocate for the Petitioner.
Shri V. H. Dighe, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 02ND FEBRUARY, 2016.

PER COURT :

. Mr. Shinde, the learned counsel for the petitioner submits that, the respondents have passed the order blacklisting the petitioner without affording proper opportunity. As and when oral requisition was made, the petitioner has timely supplied the goods. The petitioner whenever has received the letter has supplied the goods within the time and as required. Many time on telephone the orders for supply was placed and the same was also complied. The petitioner has only received one notice prior to the final order being passed. The petitioner was also not provided with the copies showing that the petitioner has supplied

the goods late or of a less quantity. According to the learned counsel the order is illegal.

2. We had asked the learned Assistant Government Pleader as to how the order of black listing is being passed by the Authority. The learned A. G. P. relies on the circular issued by the Government of Maharashtra Industries, Energy and Labour Department and states that, the same is followed in the present case also. The same is followed by the present department in view of the letter dated 01st July, 2013.

3. If, the same is being followed then, an appeal is provided to the Secretary of the Administration Department. The learned .A G. P. states that, the petitioner can prefer an appeal to the Secretary of the said department.

4. In light of the above, the petitioner may file an appeal against the impugned order, as provided, before the Secretary of the said department. If the appeal is filed within a period of three (3) weeks from today, the same be treated as within limitation, as the present writ petition was pending. In case, the said appeal is filed within three (3) weeks, the Authority shall decide the same on its own merits, in accordance with law, after giving opportunities to all the parties, expeditiously and preferably within a period of four (4) months from the date of

receipt of appeal. The writ petition is disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 16