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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10321 OF 2016

M/s. A.N. Patil

...Petitioner

Vs.

The State of Maharashtra & Ors.

...Respondents

Mr. R.S. Kulkarni, Advocate for the Petitioner

Mr. B.B. Sharma, Advocate for Respondent Nos. 2 & 3

Mr. V. Mali, AGP for Respondent No.1

Mr. Chandrahas D. Sonkusare, Assistant Executive Engineer
(Water Supply -I) present in Court.

**CORAM : SHANTANU S. KEMKAR &
M.S. KARNIK, JJ.**

DATED :27TH SEPTEMBER, 2016

PC. :

Parties through their Counsel. Through this Petition filed under Article 226 of the Constitution of India the Petitioner has challenged the circular / order dated 20th July, 2016 **Exhibit-E** issued by Respondent Nos. 2 and 3 whereby blacklisting the Petitioner and disqualifying him to participate in future tenders for a period of 3 years with effect from said date.

2. According to the learned Counsel for the Petitioner before issuance of said circular / order **Exhibit-E** no show-cause notice nor any opportunity of hearing was given to the Petitioner and abruptly the impugned order has been passed.

3. Learned Counsel for Respondent Nos. 2 and 3 submits that the contention of the Petitioner is that few tenders are pending in which the Petitioner has participated and no decision has been taken in those tenders, is not correct as the tenders in which the Petitioner had participated are already opened and allotted to the other bidders.

4. Learned Counsel for Respondent Nos. 2 and 3 submits that in case this Court finds that the order impugned could not have been passed without issuing show-cause notice and giving opportunity of hearing to the Petitioner the Respondent Nos. 2 and 3 may be permitted to withdraw the impugned circular / order with further liberty to Respondent Nos. 2 and 3 to issue show-cause notice to the Petitioner and to take

fresh decision.

5. Having considered the submissions we are of the view that the impugned circular / order could not have been passed without issuance of a show-cause notice hence we allow Respondent Nos. 2 and 3 to withdraw the impugned circular / order dated 20th July, 2016 **Exhibit-E** with liberty to the Respondent Nos. 2 and 3 to issue show cause notice to the Petitioner and take appropriate decision after giving due opportunity of hearing to the Petitioner. With the aforesaid liberty the Petition stands disposed of.

(M.S. KARNIK, J.)

(SHANTANU S. KEMKAR, J.)