

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO.6602/2016

(M/s Parmanand & Sons vs. Union of India and others)

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

Court's or Judge's order

Shri R.S. Kalangiwale, Advocate for the petitioner
 Shri A.M. Joshi, Counsel for Respondent Nos. 1 to 3

**CORAM : SMT. VASANTI A. NAIK &
 MRS. SWAPNA JOSHI, JJ.**
DATED : 1st December, 2016.

Heard.

By this Writ Petition, the petitioner challenges the order of the respondent no.3, dated 3.11.2016, as far as it debars the petitioner from conducting his business for a period of one year.

Inter alia, it is submitted on behalf of the petitioner that the impugned order is passed without granting an opportunity of hearing to the petitioner. It is stated that a show-cause notice was not served on the petitioner before the petitioner was debarred from conducting its business for a period of one year.

Shri A.M.Joshi, the learned counsel for the respondents fairly admits on instructions that a show-cause notice was not served on the petitioner and the petitioner was not heard before the impugned order debarring him from participating in the tender process was passed.

It is apparent from the statements made by the learned counsel for the respondents that the impugned order is passed without granting any opportunity to the petitioner. Neither was a show-cause notice served on the petitioner nor was the

petitioner heard before the order debarring the petitioner from conducting its business for a period of one year, was passed.

Since no opportunity, whatsoever, was granted to the petitioner before the impugned order was passed, the impugned order is liable to be set aside.

Hence, for the reasons aforesaid, the Writ Petition is allowed. The impugned order dated 3.11.2016 is quashed and set aside. The respondents are free to take appropriate action against the petitioner in accordance with law.

Order accordingly. No costs.

JUDGE

JUDGE

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