

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 3513 of 2016

ORDER:

The petitioner Mill was aggrieved by the proceedings dated 01.02.2016 passed by the Joint Collector & Chairman, District Purchasing Committee, Vizianagaram, whereby it was blacklisted for six months and also subjected to imposition of penalty to the tune of Rs.3,07,800/-

2. Sri Venkateswara Rao Gudapati, learned counsel for the petitioner Mill, contends at the outset that the impugned proceedings are invalid in law owing to a blatant violation of the principles of natural justice inasmuch as the petitioner Mill was not given an opportunity of hearing prior to the issuance thereof.

3. Perusal of the impugned proceedings reflects that there is merit in this contention as there is no indication whatsoever that the petitioner Mill was put on notice or given an opportunity of hearing prior thereto. As the petitioner Mill was not only subjected to blacklisting but was also imposed with penalty, the impugned proceedings could not have been issued without giving due opportunity of hearing to it. However, in the interest of justice, this Court is of the opinion that a post-decisional hearing would suffice at this stage.

The Joint Collector & Chairman, District Purchasing Committee, Vizianagaram, shall issue notice to the petitioner Mill and allow it due opportunity of hearing as to the complaint made against it. The petitioner Mill would be at liberty to file written submissions as regards such complaint along with supporting material, if any. Thereupon, the Joint Collector & Chairman, District Purchasing

Committee, Vizianagaram, may take appropriate action in the matter by cancelling, modifying or affirming the impugned proceedings dated 01.02.2016. The decision taken by the authority in this regard shall be reasoned and shall be communicated to the petitioner Mill. This entire exercise shall be completed within two weeks from the date of receipt of a copy of this order without fail.

The Writ Petition is allowed to the extent indicated above. Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

February 5, 2016

Note: Furnish copy in two days.

{B/o} LMV