

CWP No. 50 of 2016

Date of decision: 19.01.2016

Ankush Kapoor

.....Petitioner

versus**PGIMER and others**

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain**Present:** Mr. Rahul Sharma-I, Advocate
for the petitioner(S).Mr. Kshitij Sharma, Advocate
for the respondent(s).**Rakesh Kumar Jain, J.(Oral)**

The petitioner has been given the license to run the Cafeteria in the New OPD Block, PGIMER, Sector 12, Chandigarh on the monthly license fee of ₹ 3,99,999/- for a period of two years. The license was granted on 15.05.2014 which has to expire on 14.05.2016. However, in the mean time, the license of the petitioner has been cancelled, after serving upon him a show cause notice dated 15.07.2015, vide impugned order dated 26.09.2015(Annexure P-6). In the said order, the respondents had also decided to debar the petitioner for dealing with the PGI for subsequent two years.

The petitioner was however, allowed to occupy the premises till the new incumbent takes over but on 4.01.2016(Annexure P-10), the respondents had served a 48 hours notice upon the petitioner to vacate the demised premises. Hence the present writ petition has been filed.

After notice, the respondents have filed their reply in which it is averred that there was a rat found in the dish of Channa Bhatura alleged to

have been served by the petitioner. The petitioner was also not maintaining the hygiene etc. Therefore, it was decided by the Estate Branch-I (Commercial Sites) in the meeting held on 4.08.2015 that the license of the petitioner be terminated by giving 30 days notice ending with the expiry of October, 2015, in terms of clause No. 26 of the license deed.

Counsel for the petitioner has argued that not only the license issued to the petitioner has been terminated but also the impugned order has the effect of black listing the petitioner without any notice. In this regard, he has relied upon a judgment of the Supreme Court in the case of Gorkha Security Services vs. Govt. of NCT of Delhi and others; 2014 AIR (SC) 3371; in which it is held that the principle of natural justice requires a show cause notice before the order of black listing is passed.

Counsel for the respondent has failed to contest this argument.

In view of the above, the present petition is allowed. Order dated 26.09.2015 (Annexure P-6), 20.11.2015 (Annexure P-9) and 4.01.2016(Annexure P-10) are quashed with liberty to the respondents to pass a fresh order, in accordance with law, after serving upon a show cause notice upon the petitioner, in case the petitioner has to be black listed or debarred as ordered on 26.09.2015(Annexure P-6).

19th January, 2016

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**