

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 4714/2017.

M/s. Sai Enterprises, Nagpur.

-VERSUS-

Union of India and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
ARUN D. UPADHYE, JJ.

DATE : SEPTEMBER 18, 2017.

Heard Shri A.A. Naik with Shri P.S.

Chawhan, learned counsel for the petitioner and Ms.
M. Chandurkar, learned Counsel for respondents.

2. Petitioner has got a contract to supply labour from 31.01.2017 to 01.02.2018 with respondent no.3. It has been brought to an end by order dated 15.07.2017. The order records inability of petitioner to supply labour, to manage labour, taking of additional money from contract workers, unsatisfactory performance and willful default in supply of contract labour in adequate quantity, as reasons. On these grounds contract with him has been

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foreclosed, his performance security deposit has been forfeited and his registration with respondent no.3 and administration has been cancelled. He has been debarred from participating in any such contract for a period of two years.

3. Respondents rely upon reply affidavit to urge that petitioner did not supply man power in requisite quantity.

4. Petitioner has demonstrated that because of labour problem faced by him and clause 7 in contract, from 01.06.2017 he was seeking leave to substitute labour and to induct new contract labours. That permission was never granted.

5. Respondents in their reply do not dispute this. On the contrary, they rely upon the clause which makes it desirable to detail/retain earlier labour.

6. This action has been taken after giving a notice dated 22.06.2017. Notice is only on account of inadequate supply of man power. No malpractice, misconduct as such has been pointed out therein.

7. Debarment of performance of security guarantee or then premature closure can be ordered in accordance with principles of natural justice. Perusal of impugned order reveals that some report dated

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24.06.2017, submitted by LWC OFAG, has been looked into.

8. In this situation, considering the sensitive nature of the establishment which respondents have, we are inclined to direct respondent no.3 to hear the petitioner and then to pass fresh orders. This exercise shall be completed within a period of two weeks from today. Petitioner shall report to respondent no.3 on 20.09.2017 at 11 a.m. for said purpose.

9. Needless to mention that findings and observations in order dated 15.07.2017 impugned before this Court, shall not come in the way of the authority while passing fresh orders.

10. With these directions and keeping all contentions open, we dispose of the present Writ Petition. No costs.

11. Copy of this order be furnished to learned counsel for the parties to act upon.

JUDGE

JUDGE

Rgd.