

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.5576 of 2017

ORDER:

Heard the learned counsel for the petitioner and Sri A.Jagan, learned Standing Counsel for the respondent/Telangana State Civil Supplies Corporation.

2. By way of proceedings No.P.Admn.A3/(05)/DVK/Stage-II/2016, dated 31.01.2017, the Joint Collector and EOED, TSCSCL, Nalgonda District/second respondent herein terminated the contract of the petitioner herein while ordering forfeiture of security deposit and the bank guarantee.

3. In the tender floated in the year 2016 by the respondents inviting tenders for transport of essential commodities to Fair Price Shops and Schools from Devarakonda MLS point for the year 2016-2017, the petitioner herein stood as L1 and an agreement was also entered into for a period of one year from 01.04.2016 to 31.03.2017. The second respondent by way of the order under challenge terminated the said contract.

4. The principal contention of the learned counsel for the petitioner in the writ petition is that the order of termination of contract was not preceded by any notice and opportunity of hearing to the petitioner herein.

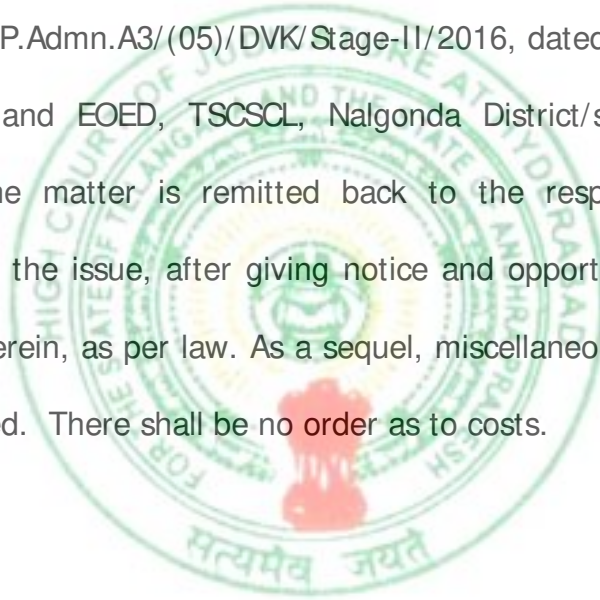
5. On the contrary, it is vehemently contended by the learned Standing Counsel that there is no illegality in the impugned order and that since the petitioner herein did not adhere to the conditions of contract, the second respondent terminated the agreement.

6. A perusal of the order under challenge clearly discloses that the second respondent herein did not issue any notice nor afforded any

opportunity of hearing to the petitioner herein before resorting to the impugned action. It is settled and well established proposition of law that any action on the part of the respondents which has civil consequences, must necessarily be preceded by a notice and opportunity of being heard to the persons likely to be effected by such action.

7. In the instant case, the said principle is followed in breach. Therefore, only on the ground of violation of principles of natural justice, writ petition in the considered opinion of this Court, is liable to be allowed.

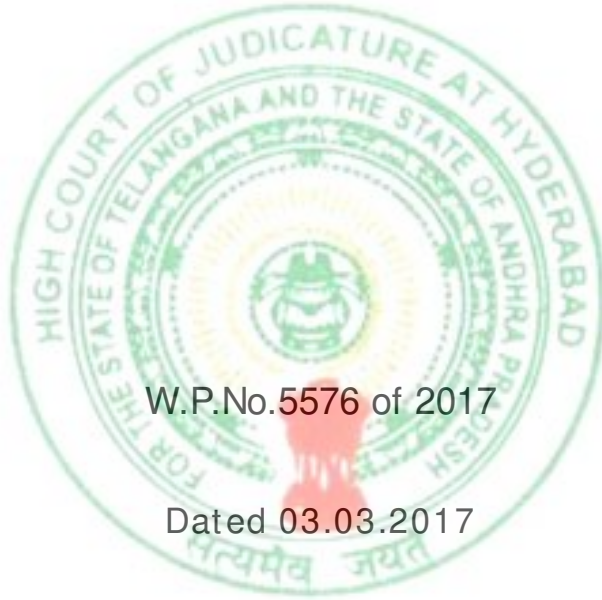
8. For the aforesaid reasons, writ petition is allowed, setting aside the proceedings No.P.Admn.A3/(05)/DVK/Stage-II/2016, dated 31.01.2017 of the Joint Collector and EOED, TSCSCL, Nalgonda District/second respondent herein and the matter is remitted back to the respondents for fresh consideration of the issue, after giving notice and opportunity of hearing to the petitioner herein, as per law. As a sequel, miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.



A.V.SESHA SAI, J

Date: 03.03.2017
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