

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 13283 OF 2016**

G.H. Khatri & Co.

....Petitioner.

Vs.

State of Maharashtra & Ors.

....Respondents.

Ms. Anita A. Agarwal for the Petitioner.

Mr. R.S. Pawar, AGP for the Respondents-State.

**CORAM : R.M. BORDE AND
R.G. KETKAR, JJ.****DATE : 14 FEBRUARY 2018.****P.C.:-**

Heard.

Rule. By consent of the parties, the Petition is taken out for the final disposal.

2 The Petitioner is objecting to the order passed by Respondent No.2-Public Works Department, directing black-listing of the Petitioner, thereby rendering it unfit for participating in the tender process in respect of the works initiated by the Respondents. The order impugned in this Petition dated 28 June 2013, deserves to be quashed and set aside only for the reason that the Petitioner has not

been extended an opportunity of hearing, before passing the order directing/blacklisting its name. It is settled principle of law that if any adverse action is to be initiated against any individuals, which has a civil consequences, an appropriate opportunity of hearing shall have to be extended. In view of non-observance of the principles of natural justice by the Respondents, the order impugned in this Petition is rendered illegal. It is not a matter of dispute that the Petitioner has not been issued any show cause notice nor he was directed to present his contention, as regards the proposed action.

3 In order to support the order, reliance is placed on the Government Resolution dated 28 September 2016, which specifies the types of penalties, those can be imposed against an earring Contractor. The Government Resolution nowhere stipulates that the Authorities are entitled to take decision unilaterally, without observing the principles of natural justice. The action of the Respondents in passing the adverse order against the Petitioner-Contractor is bad on account of non-observance of principles of natural justice and deserves to be quashed and set aside and the same is accordingly quashed and set aside.

4 It is needless to observe that, if the Respondents are of the opinion that the appropriate steps deserves to be taken, it would be open for them to proceed in observance of the procedure prescribed and after extending opportunity of hearing to the Petitioner.

5 In view of the quashment of the adverse order dated 28 June 2013, the application tendered by the Petitioner seeking renewal of the license shall be considered and appropriate order shall be passed by the Respondents-department, in accordance with law, expeditiously.

6 Rule is made absolute in the above terms.

(R.G. KETKAR, J.)

(R.M. BORDE, J.)