

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.07.2018
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.14064 of 2010

M/s.Nav Bharat Enterprises,
rep.by its Proprietor

... Petitioner

Vs

1.Airports Authority of India,
rep.by its General Manager (Commercial)
Rajiv Gandhi Bhavan,
New Delhi - 110 003.

2.The Airport Director,
Chennai Airport,
Chennai- 600 027.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the respondents, relating to the order of the first respondent in No.AAI/COM/918/7.2/99/2010-1126 dated 24.06.2010 and quash the same.

For Petitioner : Mr.N.Mathivanan

For Respondents : Mr.R.Parthiban

ORDER

Challenging the communication dated 24.06.2010 issued by the first respondent, the petitioner has come up with this writ petition. By the impugned communication, it was informed to the petitioner that they were blacklisted and would not be considered for participating in any tender of Airports Authority of India, for car parking contract, in future, due to administrative reasons.

2.The learned counsel for the petitioner submitted that the petitioner is a reputed contractor registered with Airports Authority of India and other bodies and they have been awarded contracts for management of car parks at various Airports. According to the learned counsel, when the contract is in force, the first respondent, without conducting any enquiry and without assigning any reason, blacklisted the petitioner by preventing them from participating in any tender in future, by the impugned communication dated 24.06.2010, which is arbitrary, illegal and

against the principles of natural justice.

3.The learned counsel for the respondents fairly conceded the submission made by the learned counsel for the petitioner that no enquiry was conducted and no reason was assigned, while issuing the impugned communication by the first respondent, blacklisting the petitioner.

4.Heard both sides and perused the records.

5.When it is an admitted case that before issuing the communication dated 24.06.2010, which is impugned herein, the first respondent has neither conducted any enquiry nor assigned any reason much less valid reason, for blacklisting the petitioner by preventing them from participating in any tender for car parking contract, in future, the same is arbitrary, illegal and against the principles of natural justice. On this score alone, the impugned communication issued by the first respondent is liable to be set aside.

6.Accordingly, the impugned communication dated 24.06.2010 issued by the first respondent is set aside and the matter is remanded back to the first respondent for a fresh consideration. The petitioner is directed to submit their objections by treating the impugned communication as show cause notice, to the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On such submission, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of four weeks thereafter.

7.This writ petition stands disposed of, in the above terms. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1.Airports Authority of India,
rep.by its General Manager (Commercial)
Rajiv Gandhi Bhavan,
New Delhi - 110 003.

2.The Airport Director,
Chennai Airport,
Chennai- 600 027.

+1cc to Mr.Muthumani Doraisami, Advocate, S.R.No. 45829
+1cc to Mr.R.Parthiban, Advocate, S.R.No.45586

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GN (24/09/2018)



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