

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1276 of 2019**

1. SRT Agro Science Pvt. Ltd. Through Director, Rajesh Tank, S/o Basant Bhai Tank, Aged About 44 Years, R/o Village Funda, Post Dewada, Tahsil Patan, District - Durg Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Principal Secretary, Agriculture Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur District - Raipur Chhattisgarh.
2. Managing Director C.G. Rajya Beej Evam Krishi Vikas Nigam Ltd. Beej Bhawan, Ravigram, Telebandha, Raipur Chhattisgarh.

---- Respondent

For Petitioner	Shri T.K. Jha, Advocate
For Respondent/State	Shri Gagan Tiwari, Dy. Govt. Adv.
For Respondent No.2	Shri Animesh Tiwari, Advocate

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ
Hon'ble Shri Parth Prateem Sahu, J.

Order on Board**By****Prashant Kumar Mishra, Ag. CJ****11/04/2019**

1. Petitioner was awarded contract for supply of Chemicals and Insecticides to the respondent No.2. After execution of agreement the respondent No.2 wrote to the licensing authority under the Insecticides Act, 1968 (for short 'the Act') to which the authority replied that the petitioner has never applied for renewal of licence issued to it under the Act, after 2016. Thereafter, the petitioner was issued a notice on 28-7-2018 (Annexure – R2/4) seeking its explanation as to why the petitioner has failed to extend the manufacturing licence after the year 2016.

2. The impugned order of blacklisting has been challenged by the petitioner on the ground of violation of principles of natural justice as also on merits.
3. However, a perusal of the notice issued to the petitioner on 28-7-2018 it appears that the respondent No.2 never informed the petitioner, while seeking his explanation, about proposed action under the terms of the contract which it will likely to take, if the explanation is not found satisfactory.
4. It is settled law that mere notice of alleged violation is not suffice to follow the principles of natural justice unless the intended action is mentioned in the notice and seeking explanation vis-a-vis the said intended action.
5. In view of the above, we find that there is violation of principles of natural justice while blacklisting the petitioner for a period of two years. Accordingly, the order of blacklisting is quashed, however, liberty is reserved in favour of the respondent No.2 to initiate fresh proceedings for blacklisting the petitioner after principles of natural justice. It is made clear that we have not dealt with the merits of the matter.
6. In the result, the writ petition is allowed to the extent indicated above. No order as to costs.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

Gowri