

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.**

91 WRIT PETITION NO.7138 OF 2019

**M/S SRUSHTI ENTERPRISES
THROUGH PROPRIETOR KRUSHNA BHILASING PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Shri Yuvraj V. Kakde
AGP for Respondents / State : Shri V.M. Kagne
Advocate for Respondent No.3 : Shri R.V. Naiknaware

...
CORAM : S V GANGAPURWALA & AVINASH G. GHAROTE, JJ.
Dated: November 05, 2019

...
PER COURT :-

1. Mr. Kakade, the learned counsel for the petitioner submits that, the tender allotted to the petitioner is wrongly cancelled. The petitioner is not guilty of any wrongful act. Without notice to the petitioner, the petitioner is blacklisted and his security deposit has been forfeited. The same is illegal.
2. Mr. Naiknaware, the learned counsel for respondent No. 3 submits that, the petitioner left the work. Several complaints were received regarding non-collecting the solid waste. Therefore, letter was submitted by the Sanitary Committee on 09.08.2018. As the petitioner failed to abide by the terms and collect the solid waste, the health of citizens of the city was in jeopardy and as such the action is taken.
3. We had in our order dt. 17.06.2019 clarified that we would entertain the petition only to the extent of blacklisting the petitioner.

4. We had asked Mr Naiknaware, the learned advocate for the respondent No. 3, as to whether any notice was issued to the petitioner before blacklisting him. Mr. Naiknaware, the learned counsel concedes that no such notice was issued.

5. Whenever an action of any authority has effect of civil and penal consequences, then the cardinal and fundamental rule of adherence to the principles of natural justice has to be followed. No notice was issued to the petitioner before blacklisting the petitioner.

6. In light of the above, the impugned order to the extent of blacklisting the petitioner is quashed and set aside. If the respondents intend to take any action against the petitioner to blacklist the petitioner, the respondents shall issue notice to the petitioner, call for show of the petitioner and then only take further action.

7. Writ Petition is accordingly partly allowed. No costs.

[AVINASH G. GHAROTE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE