

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 26892 OF 2019
WITH
WRIT PETITION (ST) NO. 26893 OF 2019

Mitcon Consultancy & Engineering Services
Limited

...Petitioner

Versus

IFCI Ltd & Anr

...Respondents

Mr Chaitanya Nikte, *with Ms Sneha Bhange, for the Petitioner in WPST/26892/19.*

Mr Prasad Dani, *Senior Advocate, with Chaitanya Nikte & Ms Sneha Bhange, for the Petitioner in WPST/26893/19.*

Mr Jahan Dastur, *with Nikhil Rajani, i/b VD Deshpande, for Respondent No. 1 in both matters.*

Mr Parag Vyas, *with Ms Karuna Yadav, for Respondent No. 2 in both matters.*

**CORAM: S. C. Dharmadhikari &
G. S. Patel, JJ.**

DATED: 18th October 2019

PC:-

1. The Petitioner is aggrieved by and dissatisfied with the show cause notice which the Petitioner apprehends would necessary result in an order of blacklisting. The Respondent has issued this notice and the argument of Respondent's Counsel is that the Writ

Petition is premature as it is directed against a show cause notice. There is no final order passed much less of blacklisting the Petitioner.

2. On a perusal of the Petition and the annexures thereto, we are satisfied that at this stage no interference is called for particularly in our writ jurisdiction.

3. We will not presume that an order of blacklisting shall necessarily follow for it is alleged that the Respondents would have to comply with the principles of natural justice. In this case the principles of fairness, equity and justice demand that the materials which are proposed to be relied upon so as to support the show cause notice would have to be disclosed to the Petitioner before the Petitioner can show any effective cause. We direct that all the relevant documents as also those proposed to be relied upon shall be disclosed to the Petitioner and the Petitioner will be allowed to take photocopies thereof on payment of usual copying charges. After this exercise is concluded, the Petitioner shall be extended an opportunity of oral hearing but not through an Advocate. On concluding such an oral hearing, the Respondent shall pass a reasoned order and if such reasoned order results in the ultimate direction of blacklisting the Petitioner, that direction will not be given effect to for a period of four weeks from the date of copy of adverse order and directions are received by the Petitioner.

4. The Petitioner will cooperate with the Respondent and not seek unnecessary adjournments.

5. We clarify that we have not expressed any opinion on the merits of the case. The Writ Petition is disposed off. No costs.

(S. C. Dharmadhikari, J)

(G. S. Patel, J)