

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2603 OF 2017

Neptune Packaging Pvt. Ltd.

.. Petitioner

v/s.

State of Maharashtra & Anr.

.. Respondents

Mr. Devmani J. Shukla for the petitioner

Ms. Jyoti Chavan, AGP for the respondent – State

Mr. M.A. Shukla for the respondent no.2

**CORAM : A.S. OKA &
M.S. SANKLECHA, J.J.**

DATED : 9th APRIL, 2019

P.C.

1. The parties were put to notice that the petition itself will be disposed of finally at the stage of admission.

2. Essentially the challenge in this petition under Article 226 of the Constitution of India is to the communications issued firstly by the State Government on 5th April, 2016 and secondly by the second respondent on 8th September, 2016. The second respondent is a Government of Maharashtra undertaking.

3. The first impugned communication records that the State

Government has granted approval to the proposal of the second respondent for black listing the petitioner for a period of five years. The second communication is issued by the second respondent which merely informs the petitioner about the permission / approval granted by the State Government.

4. The learned AGP, on instructions, stated that the State Government has passed no order of black listing of the petitioner and has merely approved the proposal of the second respondent for black listing the petitioner for a period of five years. She further states that necessary procedure of black listing, including issuance of show-cause notice will have to be followed by the second respondent.

5. The learned Counsel appearing for the second respondent, on instructions, states that the second respondent has not black listed the petitioner but the second respondent proposes to initiate action of black listing the petitioner. We accept the aforesaid statements made by the learned AGP and the learned Counsel appearing for the second respondent.

6. Hence, by accepting the statements, we dispose of the petition by

passing the following order :-

ORDER

- (a) We clarify that the first impugned communication dated 5th April, 2016 does not amount to black listing of the petitioner;
- (b) We hold that the respondents cannot take action of black listing of the petitioner without following due process of law, which includes giving an opportunity of being heard to the petitioner;
- (c) We make it clear that we have made no adjudication on the merits of the matter. All contentions of the parties are kept open;
- (d) We also make it clear that we have made no adjudication on legality or otherwise of the orders passed by the Hon'ble Minister.

(M.S. SANKLECHA, J.)

(A. S. OKA, J.)