

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.4109/2019

(Shrinath Transport Company vs. State of Maharashtra and Others)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Shri M.G.Bhangde, Sr. Counsel with Shri S.N.Tapadia,
Advocate for petitioner
Shri A.M. Deshpande, Addl.G.P. for respondents 1 to 3

CORAM : R.K. DESHPANDE &
VINAY JOSHI, JJ.

DATED : 14th June, 2019.

Heard.

2. The petitioner challenges the communication dated 4.6.2019 issued by the State Government granting its approval to the proposal for cancellation of the contract of the petitioner for transportation of foodgrains in Public Distribution System at Buldana. The contract was awarded on 21.9.2016 for a period of three years commencing from 23.9.2016 and ending on 22.9.2019. Hardly few days are left. The petitioner has remedy to seek damages even for arbitrary termination of contract. We, therefore, do not find any reason to entertain this Writ Petition.

3. Shri M.G..Bhangde, leaned senior Advocate appearing for the petitioner has urged that the impugned order shall result in automatically blacklisting of the petitioner without providing any opportunity of being heard in the matter and that is also one of the

grounds of challenge raised in the petition. He therefore submits that to challenge the order of blacklisting there would be no remedy of filing the Civil Suit.

4. Obviously the order of blacklisting, if taken, would be the consequence of the action impugned in this petition of cancellation of contract. If the petitioner succeeds in the Civil Suit, the ultimate consequential order can also be set aside by the Civil Court, though the petitioner may not get the actual continuation of contract for the whole period.

5. Our attention has been invited to the show-cause notice dated 23.6.2017 in respect of blacklisting and violation of the terms and conditions of contract as well as for cancellation. Further inviting our attention to the order dated 28.8.2018 passed by this Court in Writ Petition No.4243/2017 filed by the petitioner, it is urged that this Court has directed the Collector, Buldana to decide as to whether the recommendation of the State Government for cancellation of contract is to be forwarded and whether other actions contemplated in the show cause notice can be proposed to be taken, and till such a decision is taken the order was passed not to take a final decision in the matter without the State Government approving any proposal for cancellation of contract.

6. We have gone through the said show cause notice as well as the decision of this Court. We find that the State Government had not taken a final decision in the matter in the said Writ Petition. In the present case, apart from the aforesaid reason, disputed questions of fact are also involved as to the breach of certain terms of contract alleged. Hence,

we do not find any reason to entertain the Petition.

7. The Writ Petition is dismissed. All questions raised in the petition are left open.

JUDGE

JUDGE

sahare