

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.3958 OF 2019

ORDER

Petitioner is a thirty party quality control unit, involved in providing management consultancy services along with quality assurance for various works executed in the respondent – Corporation. The 2nd respondent – Greater Warangal Municipal Corporation, represented by its Commissioner, vide the impugned proceedings in Roc.No.e-83571/2019 dated nil/01/2019, which is stated to have been received by the petitioner on 19.02.2019, black listed the petitioner for a period of three years. Aggrieved by the same, the present writ petition is filed.

This court, on 26.02.2019, while admitting the writ petition, granted interim stay of the impugned proceedings.

Learned counsel for the petitioner submits that black listing the petitioner firm will have civil consequences and before resorting to such an action, principles of natural justice require issuance of notice and opportunity of hearing to the petitioner, but the 2nd respondent without issuing any notice, passed the impugned order, black listing the petitioner and the same is in violation of principles of natural justice.

Smt. Pingali Lakshmi, learned Standing Counsel for the 2nd respondent – Corporation, on instructions, submits that on enquiry, the Vigilance and Enforcement Department, found that the whatever the quality of works certified by the petitioner – agency, have proved to be a failure, and therefore, it was found that the petitioner in collusion with the contractors,

has been issuing quality certificates without proper checks at the time of execution of works, and the poor quality of works, has tarnished the image of the Corporation, therefore, the impugned proceedings have been issued, and hence no exception can be taken.

It is well settled that before issuing the impugned proceedings, which have the effect of visiting the petitioner with civil consequences, principles of natural justice require issuance of notice and opportunity of hearing. In the present case, the Corporation without issuing any notice and providing opportunity of hearing, and merely relying on the report of the Vigilance and Enforcement Department dated 17.09.2018, black listed the petitioner for three years from participating in future tenders. Without going into the merits of the contentions of both the counsel, as the impugned order has been passed in violation of principles of natural justice, the same is set aside, leaving it open to the 2nd respondent to take appropriate action in accordance with law by giving notice and opportunity of hearing to the petitioner.

The writ petition is accordingly disposed of.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:05—12—2019

AVS