

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 16659 of 2019

ORDER:

This writ petition is filed challenging the order of the 3rd respondent dt.26.07.2019 bearing Lr.No.CGM(OP-I)/NPDCL/WGL/GM(OP-I)/DE(O&M-I)F.Doc./D.No.1088/19-20, whereby the contract registration accorded to the petitioner vide Registration No.185/2015-16(SAP Vendor No.311227) is cancelled and the firm of the petitioner is black listed for a period of two years on account of certain allegations.

Learned counsel for the petitioner submits that though the petitioner submitted explanation to the show cause notice dt.18.03.2019, no reasons are stated for not considering the said explanation in the impugned order, except referring the same, which is in violation of principles of natural justice.

On the other hand Sri Jakir Ali Danish, learned Standing Counsel for respondents 2 to 4 submits that the petitioner has executed the line work unauthorizedly, without the knowledge and concern of the Department; that while execution of the said work, unauthorizedly, one private electrician who is laying poles to the grave yard fell down from the pole and died on the spot; that even though accident occurred and one person died, the petitioner has not informed the same to the Department; and that the respondents came to know about the same only through newspapers, as such, action is initiated against the petitioner and the same cannot be faulted.

In this case a reading of the impugned order goes to show that though show cause notice is issued and petitioner filed explanation to the same, there is not even a whisper in the impugned order regarding consideration of the explanation filed by the petitioner, except stating that the petitioner has submitted reply to the show cause notice. The respondents have not even said in the impugned order that the explanation submitted by the petitioner is unsatisfactory. In view of the same, it is clear that the impugned order is bereft of reasons and the same is in violation of principles of natural justice.

Having regard to the aforesaid facts and circumstances, the impugned order is set aside and it is open for the petitioner to file any further objections if need be and on such objections being filed the respondents are obligated to consider the same and pass orders.

Accordingly, the writ petition is allowed. No order as to costs.

As a sequel, miscellaneous petitions, if any, pending shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

06.08.2019

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