

28.09.2020
Item No. 29
Ct. No. 24
PG

W.P.A. 6897 of 2020
with
I.A. No.: C.A.N. 1 of 2020
(Through Video Conference)
Maithan Ceramic Limited & Anr.
Vs.
Steel Authority of India Limited & Ors.

Mr. Ranjan Bachawat, Sr. Adv.
Mr. Rudraman Bhattacharya
Mr. Ganesh N. Jajodia
Mr. Satabdi Dutta
Mr. Rohit Banerjee
Mr. Sourajit Dasguptafor the petitioners

Mr. Sarathi Dasgupta
Mr. Arijit Basu.....for the respondents 2 to 8

C.A.N. 1 of 2020 is an application for urgent hearing of the writ petition and is disposed of by taking up the writ petition for consideration.

An order passed by the respondent authorities blacklisting the petitioners, confirmed in appeal is the subject matter of the present writ petition.

Learned Senior advocate appearing for the petitioners submits that, the impugned order of blacklisting as well as the order of the appellate authority are both unreasoned. He submits that, the respondent authorities are acting *mala fide* as against the petitioners.

Learned advocate appearing for the respondents 2 to 8 questions the jurisdiction of the Court to receive the writ petition. He points out to the averments made in the writ petition and submits that, only a notice was received by the petitioners within jurisdiction. Receipt of a notice *per se* will not vest the Court with jurisdiction.

It appears from the records made available to Court that the petitioners and the respondent no. 1 entered into a contract. The respondent no. 1 issued a purchase order to the petitioners addressed to the petitioners at Kolkata. Therefore, it cannot be said that no part of the cause of action of the claim of the petitioners arose within the jurisdiction of this Court. The blacklisting is apparently based on the purchase order issued by the respondent no. 1 to the petitioners at the office of the petitioners at Kolkata. Therefore, I am not minded to accept the contention of the respondent nos. 2 to 8 so far as the lack of jurisdiction is concerned.

In the present case, the respondent authorities issued a blacklisting order dated December 19, 2019. Such order does not contain any reason as to why the petitioners were blacklisted. There being an appeal provision and the petitioners having preferred an appeal, the appellate authority confirmed the order of blacklisting by the impugned order dated August 11, 2020.

The appellate authority too did not provide any reason as to why the order of blacklisting was being confirmed.

Absence of reasons in an administrative order affecting the rights of the parties renders such order to be a nullity.

In such circumstances, the impugned order of blacklisting dated December 19, 2019 and the appellate order dated August 11, 2020 passed by the appellate authority are quashed.

The respondent authorities are at liberty to conclude the proceedings for blacklisting as against the petitioners in accordance with law. Needless to say, the authorities will pass a reasoned order thereon.

Apparently an order of blacklisting involves penal consequences for the person suffering the same. A person against whom an order of blacklisting is passed, is disqualified from participating in the ensuing tenders. Therefore, it is in the interest of justice that, the authorities conclude the blacklisting proceedings within a period of four weeks from date of communication of this order.

W.P.A. 6897 of 2020 is disposed of accordingly.

(Debangsu Basak, J.)