

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.219 of 2020

ORDER

This writ petition is filed seeking the following relief:

“.....to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus to set aside letter *vide* Lr.No.CGM (OP-1)/NPDCL/WGL/GM(OP-1/DE(O&M-1)/F.Doc-99/D.No.2605/19-20, dt 28.12.2019 issued by the 2nd respondent by declaring the same as illegal, arbitrary, violative of principles of natural justice, contrary to the terms of the agreement dt 25.03.2017 and violative of the provisions of Telangana Financial Code and against the provisions of Telangana Detailed Standards and Specification code and the rules framed there under and consequently set aside the same and to pass such other order or orders as this Hon'ble Court deem fit and proper in the interest of justice.”

Heard learned counsel on either side.

Learned counsel appearing for the petitioner contended that without furnishing the information sought by the petitioner and also the field report and without issuing show cause notice, and further without considering the explanation submitted by the petitioner, the respondents have mechanically passed the impugned order dated 28.12.2019 blacklisting the petitioner. It is prayed that the impugned order be set aside on the ground of non-compliance of principles of natural justice.

Learned Standing Counsel appearing for the respondents contended that field report was referred in the show cause notice and the contents of the field report were taken into consideration and only after giving notice to the petitioner, the respondents have passed the impugned order dated 28.12.2019 blacklisting the petitioner. Therefore, there are no merits in the writ petition and it is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the main allegation against the petitioner is that the electrical tower erected by him was collapsed way back in 2017. Therefore, the field report is the basis for black listing the petitioner. Admittedly, the said field report was not furnished to the petitioner and thereby, the respondents have violated the principles of natural justice. Hence, the impugned order dated 28.12.2019 is liable to be set aside.

Accordingly, the Writ Petition is allowed and the impugned order is set aside. The respondents are directed to furnish the field report to the petitioner and thereafter, pass appropriate orders in accordance with law. It is needless to state that if the respondents intend to take any action against

the petitioner, they are at liberty to do so, after giving opportunity to the petitioner. No costs.

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 31.01.2020

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Note: Issue cc by two days.



