

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION Nos.14245 and 14256 of 2014

COMMON ORDER:

Heard the learned counsel appearing for the petitioners and Sri B.Mayur Reddy, learned Standing Counsel appearing for the respondents.

Since the issue raised in these writ petitions is one and the same, they are heard together and being disposed of by this common order.

For the sake of convenience, the facts in W.P.No.14245 of 2014 are discussed hereunder.

W.P.No.14245 of 2014 is filed seeking the following relief :-

“....to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the letter issued by Respondent No.3 vide Ref.IOC/ RDM/ DEBIT NOTE/ AP05U6989, dated 31.12.2013 for recovery of an amount of Rs.12,24,000 (Rupees Twelve Lakhs Twenty Four Thousand only) from the petitioner as illegal, arbitrary, null void and against the principles of natural justice and consequently set aside the same and further direct the respondents not to recover the amounts of Rs.12,24,000 (Rupees Twelve Lakhs and Twenty Four Thousand only) from the petitioner”.

Learned counsel appearing for the petitioners in both the writ petitions contends that the respondents have blacklisted the petitioners and besides blacklisting, the respondents issued show-cause notices dated 31.12.2013 and 16.01.2014 for recovering amounts from the petitioners. Further, the blacklisting of petitioners may not come in their way for participating in the future tenders. Therefore, appropriate orders be passed in the writ petition

directing the respondents to consider the explanations submitted by the petitioners and after giving a reasonable opportunity of hearing, pass appropriate orders in accordance with law.

Learned Standing Counsel appearing for the respondents contends that the cases of the petitioners would be considered for making them eligible for participating in the future tenders. Further, the petitioners may be directed to submit explanations afresh to the impugned show-cause notices and thereupon, the respondents would consider the same and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that these writ petitions can be disposed of directing the petitioners to submit explanations afresh, in addition to the explanations already submitted pursuant to the impugned show-cause notices, within a period of four weeks from the date of receipt of a copy of this order. Thereupon, the respondents shall consider the same and pass appropriate orders in accordance with law. Further, as contended by the learned Standing Counsel, the respondents are directed to permit the petitioners for participating in the future tenders without reference to the blacklisting orders.

With the above observations, these writ petitions are disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 04-03-2020
Prv

