

18th November,
2021
(AK)
3

W.P.A 15353 of 2021

Cabcon India Limited and another
Vs.
Dakshinanchal Vidyut Vitran Nigam Limited & Others

Mr. Debnath Ghosh
Mr. Satadeep Bhattacharya
Mr. Uttam Sharma
...for the petitioner.

Mr. Pradip Kumar Dutta
Mr. Purnasish Ray
...for the respondent nos.1 to 3.

The grievance of the petitioners is that, without giving any opportunity of representation/hearing to the petitioners, the petitioners were debarred from participating in a tender process floated by the respondent nos.1 to 3.

Learned counsel for the respondent nos.1 to 3, on the query of the court, submits that no such hearing was actually given to the petitioners.

However, it was *de hors* the principle of *Audi Alteram Partem* to debar the petitioner without hearing the petitioner's version on the matter.

While appreciating such fairness on the part of learned counsel for the respondent nos.1 to 3, WPA 15353 of 2021 is allowed, thereby setting aside the Memo Dated August 26, 2021, appearing as annexure P-20 to the writ petition, and directing the respondent nos.1 to 3 to take a decision afresh in respect of the petitioner's

debarment or otherwise, upon giving an opportunity of hearing to the petitioners, at the earliest.

It is made clear that the merits of the parties' contentions have not been gone into by this court at this premature juncture and it will be open to the respondent nos.1 to 3 to decide the issue, upon hearing the petitioners and considering relevant documents, if any, in accordance with law.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)