

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

992 Writ Petition No.6236 Of 2021

VUB Engineering Pvt Ltd
Thr Its Authorized Officer
Ramesh Bhudha More

.. Petitioner

Versus

The State of Maharashtra and Others

.. Respondents

...

Mr R.N. Dhorde, Senior Advocate i/by Mr V.R. Dhorde, Advocate for
the Petitioner

Mr S.G. Karlekar, AGP for Respondent No.1

Mr A.D. Pawar, Advocate for Respondent Nos.2 to 4

Mr R.L. Kute, Advocate for Respondent No.6

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**CORAM : S. V. GANGAPURWALA
AND
R.N. LADDHA, JJ.**

DATE : 22-09-2021

PER COURT :

1. We have heard Mr Dhorde, learned Senior Advocate for the
petitioner and Mr Pawar, learned Advocate for Respondent Nos.2 to
4.

2. The tender for the work of planning, designing and
construction of Lift Irrigation Scheme for Prakasha Barrage to Burai
Dam was issued in favour of Respondent No.6. Respondent No.6

thereafter entered into an agreement of subletting the part of the work viz. rising main for total length of 32.8 kms in four stages with the petitioner. The Chief Engineer, TIDC granted permission to sublet the work of rising main in favour of the petitioner on or about 08-05-2012.

3. Under the impugned communication the permission granted to sublet the work has been cancelled. Amongst various submissions made by the learned Senior Advocate for the petitioner one of the submission is that, prior to the impugned communication dated 07-04-2021 the petitioner at no point of time was ever issued notice or show cause notice as to why the work of sublet should not be cancelled. On the contrary, on or about 19-01-2021 the extension was granted upto 31-05-2022 for completing the work to be done by the petitioner.

4. Mr Pawar, learned Advocate for the Corporation submits that many times the petitioner was communicated of the slow progress of the work. Considering all the previous communications, the decision has been rightly taken.

5. On the previous date, we asked Mr Pawar, learned Advocate for

respondent nos.2 to 4 as to whether before cancelling the permission granted for the sublet of the work in favour of the petitioner any show cause notice was issued to the petitioner. The matter was adjourned to enable the learned Advocate Mr Pawar to take instructions from the respondents.

6. Today, Mr Pawar, learned Advocate for the respondents accedes that prior to the impugned communication the show cause notice for cancelling the permission given for subletting the work was not issued.

7. The distinction between an administrative action and the *quasi judicial* work has almost obliterated. Principles of natural justice are also required to be adhered to in administrative actions, more particularly of the present nature.

8. In light of the above, we quash and set aside the impugned communication.

9. The respondent – Corporation if it wants to take action against the petitioner, it shall first issue show cause notice to the petitioner soliciting reply and thereafter may proceed further.

10. With the aforesaid observations, the Writ Petition is disposed of. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE