

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.02.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.1178 of 2013
and
M.P.Nos.2 and 3 of 2013

M/s.Modular Millennium,
Plot Nos.14 and 15 / IDA,
Cherlapally, Phase-I,
Hyderabad - 500 051,
Represented by
Mr.Kewal Krishan Gupta

... Petitioner

Vs

The Superintendent,
Postal Stores Depot,
Office of the Superintendent
of Postal Stores Depot,
Chennai 600 010

... Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records relating to the impugned order dated 30.03.2012 Ref.No.SP/PSD/Proc-II/Sorting Case/2011 and the consequential order dated 23.11.2012 Ref.Memo No.SP/PSD/Proc-III/Sorting Case/2011-12, and quash the same and consequently direct the respondent authority to accept the supply of materials from the petitioner in accordance with the drawings sent by the petitioner on 03.03.2012 and approved by the respondent on 07.03.2012 and release the payment as per Supply Order dated 2.3.2012 with interest @ 3 times the RBI Bank rate from the date of the impugned order i.e. 30.03.2012 within a time to be fixed by this Court.

For petitioner ... Mr.Bhavani Prasad
for Mr.S.Thanka Sivan
For respondent ... Mr.T.L.Thirumalaisamy
CGSC

ORDER

This Writ Petition has been filed challenging the order dated 30.03.2012 passed by the respondent blacklisting the

petitioner on the ground that the petitioner has committed breach of contract under the Supply Order issued by the respondent on 02.03.2012 for the supply of 74 Standard Letter Sorting Cases and 20 Flat Sorting Cases.

2. The case of the petitioner is that arbitrarily and without adhering to the principles of natural justice, the impugned order has been passed blacklisting the petitioner. According to them, no show cause notice was issued to the petitioner-firm and no opportunity of hearing was granted to them by the respondent before passing the impugned order. In such circumstances, this Writ Petition has been filed.

3. Heard Mr. Bhavani Prasad for Mr. S. Thanka Sivan, learned counsel for the petitioner and Mr. T. L. Thirumalaisamy, learned Central Government Standing Counsel for the respondent.

4. Admittedly, as seen from the impugned order dated 23.11.2012, no opportunity of hearing was granted to the petitioner. The respondent has blacklisted the petitioner's firm under the impugned order. Blacklisting affects the fundamental right of the petitioner to carry on their business. Hence, principles of natural justice will have to be necessarily adhered to.

5. It is the case of the petitioner as seen from the affidavit filed in support of this Writ Petition that they have not committed any deliberate default under the Supply Order dated 02.03.2012 placed by the respondent for the supply of certain materials. While that be so, the respondent ought to have granted sufficient opportunity of hearing to the petitioner before passing the impugned order blacklisting their firm, which affects the fundamental right to carry on their business. Therefore, this Court is of the considered view that the respondent has not adhered to the principles of natural justice before passing the impugned order. Hence, the impugned order has to be necessarily quashed and the matter remanded back to the respondent for fresh consideration on merits and in accordance with law, after providing a fair hearing to the petitioner-firm.

6. In the result, the impugned order dated 30.03.2012 blacklisting the petitioner's firm is hereby quashed and the matter is remanded back to the respondent for fresh consideration and the respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting them the right of personal hearing, within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

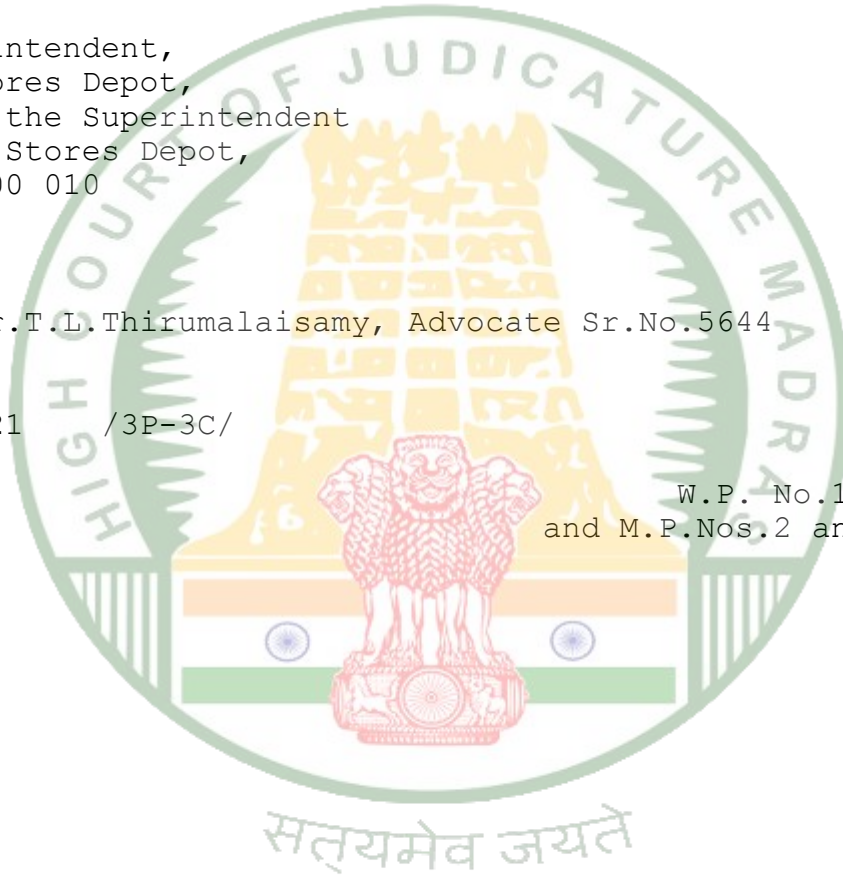
To

The Superintendent,
Postal Stores Depot,
Office of the Superintendent
of Postal Stores Depot,
Chennai 600 010

+1cc to Mr.T.L.Thirumalaisamy, Advocate Sr.No.5644

AKM/26.2.21 /3P-3C/

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