

22.03.2022.
Court No.13
Item No. 17
ap

**W.P.A. No. 2788 of 2022
(Through Video Conference)**

**United Rail Road Consultants Private Limited
Versus
NTPC Limited**

Mr. Aniruddha Bhattacharya.

...For the petitioner.

Mr. Saumya Majumdar,
Mr. Uttam Kumar Mondal,
Ms. Maitree Roy.

...For the NTPC.

Affidavit-of-service filed in Court today be taken
on record.

The writ petitioner is aggrieved by an order
dated 22nd January, 2022 issued by NTPC Limited,
Shared Services Centre (ER-I) (Barh), West Bengal,
banning the petitioner from henceforth doing any
business with the respondent.

The short facts of this case are that the
petitioner was entrusted with the contract for MGR
Track Maintenance work and Colony Maintenance of
MGR Substations at the respondent's site in Farakka.

Admittedly, the petitioner could not commence
the work. The reasons cited were, inter alia, COVID-
19. The petitioner also proposed to bring in a third
party to execute the contract.

Due to the admitted failure of the petitioner to
carry out the requisite work under the contract, a
show-cause notice was issued by the respondent. The
petitioner made a detailed representation against the
show-cause notice issued for termination of the

contract as well as for blacklisting the petitioner for a period of three years. The impugned order of January 22, 2022 came to be passed thereafter.

Counsel for the petitioner would argue before this Court that the impugned order is devoid of reasons. Although it is stated in the impugned order that each of the grounds urged by the petitioner showing cause have been addressed, as per the petitioner, only lip service has been paid and the detailed grounds have not been discussed. It is also argued that the order of blacklisting has serious consequences for the petitioner. Counsel for the petitioner has relied upon several judgments.

This Court notices that the impugned order was passed after considering the cause shown by the petitioner in writing and also after having heard the petitioner orally.

It is specifically mentioned that the Committee has carefully considered all the reasons provided by the petitioner.

It is now well settled that a Writ Court can only assess as to whether the decision making process has is in conformity with the principles of natural justice.

In the instant case, the petitioner was issued a show-cause notice to which he had replied. The petitioner was also heard in person before the impugned order was passed. There appears to be

absolutely no violation of the principles of natural justice.

In so far as the argument of the Counsel for the petitioner that the order is devoid of reasons; it is equally well settled that sufficiency of reasons passed by the Administrative Authority in a quasi-judicial order cannot be gone into by a Writ Court. The petitioner has effective contractual remedy against the impugned order, in the nature of conciliation as well as Arbitration.

Let us now consider the decisions cited by the Counsel for the petitioner. The first of which is in the case of ***Indicon Westfalia Limited – Vs. – Oil & Natural Gas Corporation Limited & Ors.*** reported in ***2017 SCC OnLine Cal 18247***. In the said case, the Court went on to set aside the order passed by ONGC since a copy of the re-enquiry was not furnished to the petitioner therein. The facts of the said case are different and hence the decision cannot be applied in the instant case.

Counsel for the petitioner next cited the decision of a Division Bench of the Allahabad High Court in the case of ***Krishna Construction & General Order Supplier – Vs. – State of U.P. & Ors.*** reported in ***2015 SCC OnLine All 1798***.

The Division Bench in the said case had found that the administrative order was without any reason whatsoever. In the instant case some reasons have

indeed been given by the NTPC. The said decision cannot be applied given the facts of the instant case.

Counsel for the petitioner has next relied on the decision a decision of the Supreme Court in the case of ***M/s. Erusian Equipment and Chemicals Limited – Vs. – The State of West Bengal & Ors.*** reported in ***(1975) 1 Supreme Court Cases 70*** particularly paragraph 17 thereof.

The aforesaid case is an authority on the consequences of blacklisting and the procedure to be followed therefor. While it is true that the petitioner has been blacklisted, the procedure prescribed under the principles of administrative law appear to have been clearly followed. The petitioner was also heard by the respondents, before the impugned order was passed. Therefore, the said case cannot give any assistance to the petitioner.

Counsel for the petitioner has finally relied upon a decision in the case of ***Aqua Designs India Private Limited – Vs. – Union of India, Ministry of Power and Another*** reported in ***2017 SCC OnLine Del 9381***, particularly paragraphs 16, 17 and 20 thereof.

The aforesaid decision was rendered in the peculiar facts and circumstances of the case. General principles of blacklisting and consequences thereof were discussed in the said decision. The said decision would have no application in view of the facts of the instant case.

For the reasons already stated hereinabove, the instant writ petition must fail and is hereby dismissed.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)