

Sl. No. 16
10.06.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 8159 of 2022

M/s. Chowdhury Builders
Versus
The State of West Bengal & Ors.

Mr. P. S. Deb Barman
Mr. Srikanta Datta

... for the petitioner

Mr. Rabindra Narayan Dutta
Mr. Jaydip Bose

... for the State

None appears on behalf of Buniadpur
Municipality.

Affidavit of service filed in Court is taken on
record.

The petitioner is aggrieved by the order of the
Chairman, Buniadpur Municipality dated 10th January,
2022 whereby the petitioner has been blacklisted and
restrained from participating in any tender process of
the Municipality.

The order impugned herein does not reflect
whether any opportunity of hearing was given to the
petitioner prior to passing the order of blacklisting.

As the right of the petitioner to participate in the
tender process has been taken away in view of the
order of blacklisting it was incumbent upon the
Municipality to afford an opportunity of hearing to the

petitioner prior to passing the said order. The same not being done, there has been violation of the principle of natural justice, equity and fair play.

As none appears to defend the Municipality, the Court is left with no other alternative but to set aside and quash the said order dated 10th January, 2022 being contrary to the principles of natural justice, equity and fair play.

It will be open for the Municipality to take steps against the petitioner strictly in accordance with law after giving an opportunity of hearing to the petitioner or through his authorised representative.

Writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)