

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5704 OF 2022

T. K. Energy Infratech Pvt. Ltd. ... **Petitioner**
Versus
Union of India & Ors. ... **Respondents**

Mr. Chetan Yadav i/b. R. V. & Co., Advocate for the
Petitioners.

Ms. Smita Thakur i/b. Mr. Suresh Kumar, Advocate for the
Respondent/Railway.

**CORAM: S.V. GANGAPURWALA &
 MADHAV J. JAMDAR, JJ.**

DATED : AUGUST 19, 2022

P.C.

1. The present writ petition is considered only to the extent of banning the petitioner for a period of twelve months from submitting the bids in any work, service or tender issued by the Railways.

2. Heard the learned Counsel for the petitioner and the learned Counsel for the respondent/Railways.

3. The learned Counsel for respondents sought to support the order by relying upon the Indian Railways Standard General Conditions of Contract and the letter dated 30th December 2020.

4. The petitioner is banned from participating in further bids in any work, service or tender issued by the Indian Railways. The same would tantamount to blacklisting the

petitioner. It is admitted by the learned Counsel for the respondents that no show cause notice has been issued to the petitioner before the action of banning the petitioner was taken. Banning the petitioner has its civil consequences. The same may amount to stigma. In such case, the respondent ought to have issued show cause notice to the petitioner.

5. In light of the above, the impugned communication to the extent of banning the petitioner from submitting the bids for work, service or tender issued by the Indian Railways for a period of twelve months is set aside.

6. The respondent may issue show cause notice to the petitioner if they so desire for the purported action of banning the petitioner.

7. So far as the termination of the contract is concerned, the petitioner may avail the remedy as may be permissible under law.

8. The writ petition is accordingly disposed of. No costs.

9. The consequences shall follow.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)

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signed by
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DATTATRAYA
GAIKWAD
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