

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7865 OF 2022**

Aspect Contact Centre Software India Pvt. Ltd.Petitioner

V/s.

Union of India & Ors.Respondents

Mr. Nikhil Gupta i/b. Mr. Kartik Vig for petitioner.

Mr. Ram Ochani a/w. Mr. Satyaprakash Sharma and Mr. Amit Singh for respondent nos.1 and 6.

Mrs. S.D. Vyas, B Panel Counsel for State – respondent nos.2 to 5.

**CORAM : K.R. SHRIRAM &
A.S. DOCTOR, JJ.**

DATED : 6th SEPTEMBER 2022

P.C. :

1 Heard the counsel. In the impugned order, respondent no.4 has proceeded on the basis that petitioner did not submit a copy of the entire agreement but gave only the scope of work under the agreement. Mr. Gupta states that the agreement, copy whereof is at Exhibit “D” to the petition, is the only agreement which has been made available not only to the Adjudicating Authority but also to the Appellate Authority. Mr. Gupta states that there is a specific averment in ground (h) to the petition that the agreement, which is titled scope of work, is the only agreement and is the complete agreement. In view thereof, we find that the Adjudicating Authority has proceeded on an erroneous assumption that the agreement provided to him is not the complete agreement.

Mr. Gupta also states that there are circulars issued which were referred to during the hearing before respondent no.4 but respondent no.4

has not considered those circulars.

2 Therefore, the impugned order dated 16th December 2021 is hereby quashed and set aside. The matter is remanded to respondent no.4 for *denovo* consideration. Respondent no.4 shall consider the agreement, copy whereof is at Exhibit “D” to the petition and which Mr. Gupta states has already been submitted earlier, and pass a detailed well reasoned order. Before passing any order, a personal hearing shall be given to petitioner, notice of which shall be communicated atleast seven working days in advance. After personal hearing, if petitioner wishes to file written submissions recording what transpired during the personal hearing, petitioner to submit those written submissions within three working days of the personal hearing. The order to be passed by the Adjudicating Authority shall contain and deal with all submissions made by petitioner and if the Adjudicating Authority is not agreeable to any of the submissions, he shall also record the reasons for the same.

3 Petition disposed. No order as to costs.

4 We clarify that we have not made any observations on the merits of the matter.

(A.S. DOCTOR, J.)

(K.R. SHRIRAM, J.)