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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

WRIT PETITION NO.215 OF 2022

1. M/s.Radha Madhav Bahuuddeshiya
Sewabhavi Sanstha, Ghatanji,
Through its Secretary Shri Manish
s/o Arvindrao Borkar, aged about
40 years, occupation : business, resident of
Vasant Nagar, Ghatanji, district -
Yavatmal.

2. Manish s/o Arvindrao Borkar, aged
about 40 years, occupation : business,
resident of Vasant Nagar, Ghatanji,
District – Yavatmal.

..... **Petitioners.**

:: VERSUS ::

1. Municipal Council, Ghatanji,
Through its Chief Officer Ghatanji,
District Yavatmal.

2. Mahabalay Vyayam Prasarak
Mandal, thr.its Proprietor, Ghatanji, Near New Bus
Stand, Ghatanji, district Yavatmal.

3. Laxmibai Natthuji Pradhan Bahu-
uddeshiya Sewa Sanstha, Ghatanji,
Through its Proprietor, Near S.P.M.
Girls High School, Ghatanji, district
Yavatmal.

4. The Administrator, Municipal
Council, Ghatanji, district Yavatmal. **Respondents.**

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Shri M.I.Dhatrak, Counsel for the Petitioner.

Shri Pravin Deshmukh, Counsel for the Respondent the No.1

Shri P.S.Kadam, Counsel for the Respondent No.2.

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CORAM : **A.S.CHANDURKAR & URMILA JOSHI-PHALKE, JJ.**
DATE : **JUNE 15, 2022**

ORAL JUDGMENT (Per : A.S.Chandurkar, J.)

1. Heard the learned counsel Shri M.I.Dhatrak for the petitioners, the learned counsel Shri Pravin Deshmukh for the respondent No.1 and the learned counsel Shri P.S.Kadam for the respondent No.2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

2. The petitioner No.1 – Society is aggrieved by the action of blacklisting and consequently restraining it from engaging any business with the respondent No.1 - Municipal Council, Ghatanji for a period of one year in view of the Resolution dated 10.12.2021 passed by the Standing Committee. It is the case of the petitioner No.1 – Society that pursuant to E-Tender issued by the respondent No.1 - Municipal Council, Ghatanji for collection of solid waste with cleaning of drain and transportation up to dumping yard, it had participated in that process along with various other interested bidders. The bid of the petitioner No.1 – Society was found to be technically valid. The Chief Officer, Municipal Council, Ghatanji recommended acceptance of the petitioner No.1's bid on 8.12.2021. The matter was thereafter placed

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before the Sanding Committee which on 10.12.2021 passed Resolution No.2 and proceeded to blacklist the petitioner No.1 – Society for a period of one year. The grievance of the petitioner No.1 – Society is that this action of blacklisting has been taken without granting any opportunity of hearing to the petitioner No.1 - Society.

3. According to the learned counsel Shri Pravin Deshmukh for the respondent No.1 – the Municipal Council, Ghatanji, its affairs are now managed by the Administrator. In view of the earlier conduct of the petitioner No.1 – Society, the Municipal Council was required to face inconvenience and considering that aspect, the name of the petitioner No.1 – Society was placed in the list of the blacklisted contractors.

4. On hearing the learned counsel for the parties and after perusal of the documents on record, it is clear that Resolution No.2 dated 10.12.2021 passed in the meeting of the Standing Committee by which the petitioner No.1 – Society has been blacklisted is an action taken without any prior notice to the petitioner No.1 - Society. It is well settled that an order of blacklisting results in civil consequences and hence such action is to be taken by observing the principles of

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natural justice. The reply filed by the respondent No.1 - Municipal Council, Ghatanji does not indicate that any such opportunity was given to the petitioner No.1 - Society. Hence, the action of blacklisting taken against the petitioner No.1 - Society for a period of one year in view of the Resolution dated 10.12.2021 passed by the respondent No.1 - Municipal Council, Ghatanji in the meeting of the Standing Committee is liable to be set aside. Accordingly, the following order is passed:

ORDER

(1) The writ petition is allowed.

(2) The Resolution No.2 dated 10.12.2021 passed by the respondent No.1 - Municipal Council, Ghatanji in the meeting of the Standing Committee blacklisting the petitioner No.1 - Society for a period of one year is set aside.

(3) The Administrator who is presently incharge of the affairs of the respondent No.1 - Municipal Council, Ghatanji shall grant an opportunity of hearing to the petitioner No.1 - Society, if any such action of blacklisting is proposed to be taken against the petitioner No.1 - Society.

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(4) After giving an opportunity to the petitioner No.1 - Society, the Municipal Council is free to take necessary action. Consequent upon such decision, the Administrator shall take further steps pursuant to the tender notice dated 15.11.2021.

The writ petition is allowed and disposed of. Rule is made absolute in aforesaid terms with no order as to costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

!! BrWankhede !!

**BHUSHAN
RANA
WANKHEDE**

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