

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

...
WRIT PETITION NO. 3451 OF 2021

MIDS Facilities, Amravati
Through its Managing Director
Shri Madan Sakhare

..Petitioner

versus

Collector, Amravati

..Respondent

Mr. N.A. Gawande, Advocate for petitioner

Mr. S.A. Ashirgade, Additional Government Pleader for
respondent

...

CORAM: DIPANKAR DATTA, CJ
& NITIN SAMBRE, J.

DATED : 7th September, 2022.

P.C. :

1) The petitioner-firm questions an order of blacklisting dated 23rd August, 2021 passed by the respondent-Collector, Amravati, on the ground that it was neither put on notice nor heard before such an order was passed.

2) It is well settled that an order of blacklisting ought to be preceded either by a notice calling upon the party sought to be blacklisted informing it of the proposed action and calling for its comments by a representation or by granting a personal hearing. In this connection, reference may usefully be made to the decisions of the Supreme Court in **Erusian Equipment**

and Chemicals Ltd. vs. State of West Bengal¹, Southern Painters vs. Fertilizers and Chemicals Travancore Ltd.², Gorkha Security Services vs. Govt. (NCT of Delhi)³ and the decision of this Court in Sonu Electricals vs. Amravati Municipal Corporation.⁴

3) The order of blacklisting dated 23rd August, 2021 is, accordingly, set aside. However, this order will not preclude the Collector to proceed afresh against the petitioner in accordance with law. The petitioner may be called upon to show cause and explain why it shall not be put on blacklist for the reasons to be indicated in such notice. Upon consideration of the petitioner's representation or after affording an opportunity of hearing, as the case may be, the Collector shall pass an appropriate reasoned order.

4) On the above terms, the writ petition is disposed of. No costs.

5) All contentions on merits are kept open.

[JUDGE]

[CHIEF JUSTICE]

sahare

1 (1975) 1 SCC 70
2 1994 Supp (2) SCC 699
3 (2014) 9 SCC 105
4 2004(3) Mh.L.J. 543