

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 2212 OF 2023**

M/s Earth Buildcon A Proprietary

Firm through its Proprietor

Rahul Lalit Bedmutha

.. Petitioner

**Versus**

The Union of India and others

.. Respondents

Shri Parag V. Barde, Advocate for the Petitioner.

Shri S. C. Arora, Advocate for the Respondent Nos. 2 to 4.

**CORAM : NITIN W. SAMBRE AND  
S. G. CHAPALGAONKAR, JJ.**

**DATE : 12TH APRIL, 2023.**

**FINAL ORDER :**

. Heard Mr. Barde, learned counsel for the petitioner.

2. The petitioner after successful completion of the tender work of laying down of optic fiber cable line was served with a show cause notice of having been found submitted a false experience certificate. The petitioner's reply since was found not satisfactory, punishment was imposed of forfeiting the balance pending bill amount of Rs. 13,15,100/-. Subsequent thereof vide order impugned dated 14<sup>th</sup> February, 2023 under the very same show cause notice dated 26<sup>th</sup> February, 2021 again second punishment of imposing ban on the petitioner from allotting new business came to be imposed.

3. Mr. Barde, learned counsel appearing for the petitioner has

*prima facie* established from the record that second punishment is without show cause notice and there are no powers to impose punishment for second time for very same default.

4. The learned counsel for the respondent Nos. 2 to 4 Mr. Arora has tried to justify the impugned order by relying on the Clause 1(a) of Appendix-1 to Section 4 Part A of the tender document. According to him since a fake experience certificate was submitted, the authorities are empowered to impose ban pursuant to Clause, “Action to be taken”. He would also invite attention of this Court to the Annexure R – 1 so as to justify his claim of empowering respondent authorities of putting ban on the person like petitioner in relation to business for a period of three years from dealing with respondent authorities.

4. *Prima facie*, we are satisfied that both these sources of powers of the respondents are not justifying the order impugned of imposing ban on the petitioner.

5. Even otherwise the petitioner cannot be punished twice for the very same default as no such powers are vested with the respondent authorities. In the wake of above, we are of the view that the order impugned is not sustainable. Same is hereby quashed and set aside. Writ petition as such **stands allowed**.

[ S. G. CHAPALGAONKAR, J.]

[NITIN W. SAMBRE , J.]

*bsb/April 23*