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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1541 OF 2023

Chintamani Projects Ltd.

..Petitioner

VS.

The State of Maharashtra
thr. Secretary, Dept. of Public
Works & ors.

..Respondents

Adv. Pravin Desai for the petitioner.

Mr. M. M. Pabale, AGP for the respondents-State.

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
SANDEEP V. MARNE, J.**

DATE: MARCH 20, 2023

P.C.:-

- 1.** The petitioner challenges (i) rejection of its technical bid and (ii) black listing.
- 2.** We have heard learned counsel for the petitioner.
- 3.** According to the petitioner, the petitioner's bid was wrongfully rejected. Earnest money deposit was also made. The petitioner was called upon to submit such documents within 8 days. The petitioner had submitted all the documents called for. However, technical bid was rejected without appropriate reason. The order of blacklisting the

petitioner is also illegal and that too without issuing notice to it. According to learned counsel for the petitioner, the same is bad in law.

4. Learned AGP submits that the work order has already been issued, but the work is not completed. It is in progress. Learned AGP submits that the additional performance security was not submitted by the petitioner as was required under the tender condition. As per the term of the tender condition, the petitioner was blacklisted.

5. We have considered the submissions. As far as challenge to the disqualification of the petitioner is concerned i.e. rejection of the technical bid, the same may not be relevant to consider here as according to the respondents, the work order was issued and the work is in progress. If the petitioner is wrongfully deprived of his right or any loss is caused to the petitioner on account of wrongfully rejection of bid, it is for the petitioner to seek damages before appropriate forum.

6. As far as blacklisting of the petitioner under Circular dated 6/9/2022 is concerned, the same admittedly is without notice to the petitioner. Blacklisting of the petitioner

entails civil consequences. It is cardinal and fundamental principle of jurisprudence that when any adverse action is taken, the principles of natural justice have to be adhered to and followed.

7. As the order of blacklisting of the petitioner is without show cause notice, the same is quashed and set aside.

8. In case, the respondents want to take any action for the petitioner's blacklisting, the respondent can do so only after giving notice to the petitioner.

9. It is also made clear that we have not made any observations on the illegality and cancellation of the technical bid.

10. In the light of the above, the writ petition is disposed of.

11. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)