

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

WRIT PETITION NO.1822 of 2023

Ms/.Aditya Constructions Company, Engineers and Contractors through its Partner and
Power of Attorney holder-Shri Nilesh R. Borekar

vs

Visvesvaraya National Institute of Technology, Nagpur, through its Director and anr.

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Shri R.R.Chhabra, Advocate for petitioner.
Shri Anand Parchure, Advocate for respondents.

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CORAM :- A.S.CHANDURKAR AND M. W. CHANDWANI, JJ.

DATE :- 19th APRIL, 2023

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Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The challenge in this writ petition is to the communication dated 07.06.2022 by which the respondents have terminated the contract issued to the petitioner in the matter of providing Aluminum Sliding Windows coupled with forfeiture of security deposit as well as additional security deposit.

3. At the outset, it may be noted that the learned counsel for the petitioner on instructions submits that the termination of the contract, forfeiture of security deposit and additional security deposit are not being subjected to challenge. The only grievance raised by the petitioner is with regard to the following lines in the impugned communication dated 07.06.2022 which reads as under:

“..Institute has also decided not to entertain you in the tender process which will be floated by VNIT in future.”

4. After hearing the learned counsel for the parties and in the light of the judgment of the Hon’ble Supreme Court in *Vetindia Pharmaceuticals Limited vs. State of Uttar Pradesh and another*

[(2021) 1 SCC 804], we are of the view that the following order would serve the ends of justice:

(i) The communication dated 07.06.2022 to the extent the respondents have stated that they have decided not to entertain the petitioner in future tender process is set aside.

(ii) The respondents are at liberty to issue a show cause notice to the petitioner if they propose to black-list the petitioner by indicating the same in the light of the decision in *Vetindia Pharmaceuticals Limited* (supra).

(iii) If such notice is issued by the respondents, the petitioner is free to respond to the same. It is open for the respondents to thereafter act in accordance with law in the matter.

(iii) With these observations, the writ petition is partly allowed and disposed of. Rule accordingly. No costs.

(M. W. CHANDWANI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.