

AD-07
Ct No.09
05.03.2024
TN

WPA No. 24338 of 2023

Aleena Commercial Private Limited and another
Vs.
Union of India and others

Mr. Suddhosatva Banerjee,
Mr. Shashwat Nayak,
Mr. Santosh Kr. Roy,
Ms. A. Guha

.... for the petitioners

Mr. Bhudeb Chattopadhyay,
Ms. Rashmi Bothra

.... for the UOI

- 1.** Learned counsel for the petitioners contends that the petitioners have been blacklisted from participation in future tenders of the railways without giving any prior show-cause notice to the petitioners.
- 2.** It is argued that the process of blacklisting has serious civil consequences, affecting the business of the petitioners in future and, as such, it is well-settled that a prior notice and an opportunity of representation/hearing ought to have been given to the petitioners.
- 3.** On query of court, learned counsel for the railways submits that appropriate instructions have not yet come from the respondents.
- 4.** Since the matter is appearing in the list, it was for the railway authorities to give appropriate instructions to their counsel. Since it is evident that no show-cause notice was given to the petitioners, there is no utility in

keeping the matter pending further, directing affidavits unnecessarily.

- 5.** Accordingly, WPA No. 24338 of 2023 is allowed, thereby setting aside the impugned decision to blacklist the petitioners.
- 6.** It is, however, made clear that the respondents shall be entitled to re-initiate the process of blacklisting the petitioners, if so required, which will be done only upon proper prior notice and opportunity of representation/hearing being given to the petitioners.
- 7.** It is further clarified that the merits of the decision to blacklist or the contentions of either of the parties have not been gone into by this court. Since affidavits are not invited, it is deemed that the allegations made in the writ petition are not admitted by the respondents.
- 8.** There will be no order as to costs.
- 9.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)