



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

57 WRIT PETITION NO. 1714 OF 2024

KUMBEPHAL MAJOOR SAKHARI SANSTHA LTD KUMBEPHAL
THROUGH ITS CHAIRMAN AND OTHERS

....Petitioners

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

.....Respondents

.....

Mr. Jadhavar Shivprasad G., Advocate for the Petitioners

Mr. S. K. Tambe, AGP for the Respondents-State

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 12th February, 2024

ORDER:

1. The petitioners have put forth prayer clauses (B) and (C) as

under:-

“(B) By issuing writ of certiorari or any other appropriate writ, order or direction in the like nature, the impugned order vide its No. JUC/GAKA/Kali Yadi/Kavi-1129, dated 10.03.2021 passed by the respondent No.2 place the name of petitioners on black list may kindly be quashed and set aside to the extent of petitioners in the interest of justice pass necessary order.

(C) Pending the hearing and final disposal of this writ petition the impugned order vide its No. JUC/GAKA/Kali Yadi/Kavi-1129, dated 10.03.2021 passed by the respondent No.2 place the name of petitioners on black list may kindly be stayed to the extent of petitioners in the interest of justice.”

2. The impugned order dated 10/03/2021, passed by Respondent No.2/Collector has already been quashed and set aside to the extent of the Petitioners in Writ Petition No.2901/2022 (**Sanjay Narayanrao Tandale and another Vs. State of Maharashtra and others**) by this Court (Coram : Nitin W. Sambre and S. G. Chapalgaonkar, JJ.), vide the order dated 29/03/2023.

3. It is undisputed that the Petitioners are some of the 126 Societies, who have been blacklisted on the allegation that, they have failed to execute the work properly and have also committed misappropriation of public funds/properties. It is equally undisputed that the Petitioners were not issued with any notice for granting them an opportunity of hearing before the impugned order, blacklisting the Petitioners, was passed. List of the Petitioners and their Serial Nos. mentioned in the impugned order dated 10.03.2021, read as under:

Petitioner Nos.	Name of the Petitioner	Sr. No.in the impugned order
1	Kumbephal Majoor Sakhari Sanstha Ltd.	97
2	Shri Datta Majoor Sakhari Sanstha Ashti	73
3	Moreshwar Majoor Sakhari Sanstha Ltd.	16
4	Kranti Majoor Sakhari Sanstha Ltd.	Internal Page No.2 of the impugned order dt.10.03.2021
5	Shivaji Bansidhar Sirsat	55
6	Dilip Suryabhan Jadhav	8

4. The learned A.G.P. has tried to support the impugned order on the basis of the report of the Vigilance Committee, which finds a reference in the impugned order.

5. The order of blacklisting an entity and restraining it from executing public works under the various schemes of the Government, is prejudicial to the interest of such entity. It has drastic consequences and such orders cannot be passed without adhering to the principles of natural justice. The law laid down by the Hon'ble Supreme Court in **M/s Erusian Equipment and Chemicals Ltd. Vs. State of West Bengal and another, AIR 1975 SC 266**, would apply to this case.

6. In view of the above, **this Writ Petition is partly allowed**. The impugned order is set aside to the extent of the present Petitioners. The Collector/Chairman of the 'Jalyukta Shivar Samiti' would be at liberty to initiate fresh action against the Petitioners by following the due procedure laid down in law, and by affording a reasonable opportunity of hearing to the Petitioners.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan