



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

979 WRIT PETITION NO. 2895 OF 2023

Chunnuma Majoor Sahkari Sanstha Limited Through Its
Authorized Person Ajaj Chunnu Sayyad
VERSUS

The State Of Maharashtra Through The Secretary And Others

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Advocate for the Petitioner : Mr. A.V. Lavte
GP for Respondents : Mr. A.B. Girase

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And

980 WRIT PETITION NO. 2930 OF 2023

Milap Majoor Sahkari Sanstha Limited Through It's Director
Aamer Anwar Momin
VERSUS

The State Of Maharashtra Through The Secretary And Others

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Advocate for the Petitioner : Mr. A.V. Lavte
GP for Respondents: Mr. A.B. Girase

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And

981 WRIT PETITION NO. 3479 OF 2023

Shri Vyankatesh Majoor Sahkari Sanstha Limited Through Its
Secrery Sangram Gangabhishan Thaware
VERSUS

The State Of Maharashtra Through The Secretary And Others

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Advocate for the Petitioner : Mr. A.V. Lavte
GP for Respondents: Mr. A.B. Girase

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**CORAM : RAVINDRA V. GHUGE &
S.G. CHAPALGAONKAR, JJ.**

DATED : 14th FEBRUARY, 2024.

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PER COURT :-

1. The petitioners have put forth prayer clauses (C) (D) and (E) as under :-

“C. By issuing an appropriate writ, orders or directions in the like nature, be pleased to quash and set aside the impugned order/notice dated 6.10.2020 issued to petitioner society by the respondent no.4 the District Superintendent Agriculture Officer, Beed which is at Exhibit “B”.

D. By issuing an appropriate writ, orders or directions in the like nature, be pleased to quash and set aside the impugned order dated 16.12.2020 passed by respondent no.7 to be illegal as the petitioner has already deposited the amount to be recovered, which is at Exhibit E.

E. By issuing an appropriate writ, orders or directions in the like nature, be pleased to direct the respondent authorities to remove the name of petitioner from Black List prepared as per order dated 16.12.2020 passed by respondent no.7.

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 an opportunity of hearing before the impugned order, blacklisting the Petitioners, was passed.

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 issue 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 anoher, AIR 1975 SC 266**, would apply to this case.

6. In view of the above, **these Writ Petitions are 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 these Petitioners by following the due procedure laid down in law, and by affording a reasonable opportunity of hearing to the Petitioners.

(S.G. CHAPALGAONKAR, J.)

(RAVINDRA V. GHUGE, J.)

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aaa/-f