



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2766 OF 2024

Kashinath Majoor Sakhari Sanstha Ltd.
& others

.. Petitioners

versus

The State of Maharashtra & others

.. Respondents

Mr. R. R. Imale, Advocate holding for Mr. S. G. Jadhavar, Advocate
for the Petitioners.

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

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 12th MARCH, 2024.

PER COURT :

1. The Petitioners shall deposit the deficit Court fees of
Rs.500/- within seven days from today.

2. 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 impugnd 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 petitioner 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 petitioner in the interest of justice.

3. The impugned order dated 10th March, 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 29th March, 2023.

4. It is undisputed that the Petitioners are some amongst 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 10th March, 2021, read as under :-

Petitioner Nos.	Name of the Petitioner	Sr. No. in the impugned order.
1	Kashinath Majoor Sakhari Sanstha Ltd.	96
2	Raja Harichandra Majoor Sakhari Sanstha	26
3	Shri Datt Majoor Sakhari Sanstha, Ltd. Ashti	102
4	Ganesh Majoor Majoor Sakhar Sanstha	98

5. The learned AGP 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.

6. 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 226**, would apply to this case.

7. 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.

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

dyb