



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

WRIT PETITION NO. 8781 OF 2024

**MISKINESHA BANDHKAM MAJOOR SAHAKARI SANSTHA LTD
THROUGH ITS DIRECTOR**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr. S. J. Naik, Advocate for the Petitioner

Ms Neha Kamble, AGP for the Respondents – State

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 21.08.2024

PER COURT :-

1. The Petitioner has suffered blacklisting vide the impugned order dated 10.03.2021, passed by Respondent No.7, President, Jalyukta Shivar Committee. The learned AGP appears on behalf of all the Respondents.

2. As such, the grievance is that the State did not issue any show cause notice to the Petitioner, calling upon him as to explain as to why he should not be blacklisted and what should be the duration of the blacklisting. In paragraph No.7 of the affidavit-in-reply filed by the Additional Chief Secretary, dated

27/03/2024, it is mentioned that the proposal for blacklisting the Petitioner would be examined in the light of prevailing provisions of applicable Government Resolutions.

3. In *M/s Erusian Equipment and Chemicals Ltd. Vs. State of West Bengal and another*, reported in *AIR 1975 SC 266*, it was concluded that, it is an implied principle of the rule of law that, any order having civil consequences should be passed only after following the principles of natural justice. It also has to be realized that the blacklisting of any person in respect of business ventures, has civil consequences on the future business of the person. Even if the rules do not expressed so, it is an elementary provision of principle of natural justice that, parties affected by any order should have a right of being heard. Blacklisting has the effect of preventing a person from the privilege and advantage of entering into lawful relationship with the Government for the purposes of gains. The fact that a disability is created by the order of blacklisting indicates that the relevant Authority is to have an objective satisfaction. Fundamentals of fair play require that the person concerned, should be given an opportunity to be represented before he is put in the blacklist.

4. Recently, the Hon'ble Supreme Court has delivered a judgment in *State Bank of India and others Vs. Rajesh Agarwal and others, (2023) 6 SCC 1*. The latin phrase '*audi alteram partem*', was considered by the Court and it was concluded that, blacklisting of a person or an entity cannot be without an appropriate opportunity of hearing and without a reasoned order.

5. In view of the above, **this Writ Petition is partly allowed.** The impugned order dated 10.03.2021, blacklisting the present Petitioner, is quashed and set aside. Needless to state, the Collector/Chairman of the Jalyukta Shivar Committee, would be at liberty to initiate fresh action by following the due procedure laid down in law and by affording a reasonable opportunity of hearing to the Petitioner.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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