



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3035 OF 2023

Suyog Telematics Ltd.

... Petitioner

Versus

The Maharashtra State Road Development
Corporation (MSRDC) & Anr.

... Respondents

Mr. Shanay Shah a/w. Mr. Vijay Dighe for the petitioner.

Mr. Saket More a/w. Mr. Shrey Shah i/b. Vidhi Partners for respondent
no. 1.

Ms. Nazia Sheikh, AGP for respondent no. 2.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 21 February, 2024

P.C.

1. Rule. Returnable forthwith. Respondents waive service, by consent of the parties heard finally.
2. This petition is filed assailing the order dated 27 February, 2023 passed by respondent no. 1 whereby the petitioner-company has been blacklisted and is prohibited from participating in any of the tenders issued by respondent no. 1. The basic grievance of the petitioner is that such orders have been passed without the petitioner being heard.

3. Considering the settled position in law as laid down by the Supreme Court in *Erusian Equipment & Chemicals Ltd. vs. State of West Bengal*¹, *Southern Painters Vs. Fertilizers & Chemicals Travancore Ltd. & Anr.*² and *Gorkha Security Services vs. Government (NCT of Delhi) & Ors.*³, no order blacklisting the petitioner could have been passed without the petitioner being granted an opportunity of a hearing following the principles of natural justice. Thus, *per se* the impugned order is bad and illegal. It is accordingly required to be set aside. We accordingly remand the matter to the authority with a direction to follow due procedure in law by issuing a show cause notice to the petitioner and after granting an opportunity of hearing to the petitioner, pass an order in accordance with law. All contentions of the parties are expressly kept open.

4. Rule is made absolute in the above terms. No costs

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)

1 (1975) 1 SCC 70

2 AIR 1994 SC 1277

3 (2014) 9 SCC 105