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11.02.2025
Court No.14
BP/AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 3225 of 2023
(Assigned)

Fast Computer Service & Anr.
Vs.
State of West Bengal & Ors.

Mr. Sudipta Dasgupta.
Mr. Arka Nandi
Mr. Ritwik Basu.

... for the Petitioners.

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata

...for the State.

1. The petitioners are aggrieved by the order of black listing dated 28th September, 2022 passed by the Deputy Commissioner of Police (H.Q), Barrackpore Police Commissionerate debarring the petitioners from participating in any tender of the Barrackpore Police Commissionerate for three years.
2. The ground for challenging the said order of blacklisting is that prior opportunity of hearing was not given to the petitioners. The order of blacklisting is a cryptic one. No reason has been mentioned for blacklisting the petitioners.
3. From the report filed by the Deputy Commissioner of Police affirmed on 22nd January, 2025 it appears that the petitioner no. 2 was directed to appear for a hearing on 12th September, 2022 in the office of the

Assistant Commissioner of Police, (H.Q) and certain questions were put to him. As the petitioners were not able to answer the queries put forth by the Assistant Commissioner of Police, accordingly, the consequential order of blacklisting was passed.

4. It has been submitted that the petitioners failed to comply with the terms and conditions of the contract which was entered between the petitioners and the respondent authorities. The respondents were required to go in for re-tender for getting the work done which caused financial loss to the respondents.
5. From the documents annexed to the writ petition, it appears that vide communication dated 8th September, 2022 the petitioners were directed to meet the Assistant Commissioner of Police (H.Q) on 12th September, 2022 'for some urgent official work'. The official work for which the petitioners were directed to meet the Assistant Commissioner of Police is not disclosed.
6. According to the respondents, the official work was in relation to the tender in which the petitioners were found successful and contract was issued in their favour. The petitioners deny that the hearing was for the purpose as mentioned in the report. The petitioners specifically deny that the questions, as claimed by the respondents, were put forth at the time of hearing held on 12th September, 2022. The

petitioners assert that it was a general discussion and the same had no relation or connection with the order of blacklisting that was subsequently passed.

7. The order of blacklisting indeed appears to be a very cryptic one without any details mentioned therein.
8. The respondent authority prior to issuing the order of blacklisting ought to have intimated the petitioners the deficiencies so that the petitioners would have been aware of the reason for which they were directed to appear for hearing. Neither there is any reason mentioned in the notice to meet the Assistant Commissioner of Police, nor there is any reason mentioned in the order of blacklisting. The same is contrary to the principles of natural justice.
9. The very purpose for issuing a proper show cause notice is to make the noticee aware of the precise case set up against him which he has to meet. The notice is essential for ensuring that the person against whom the penalty of blacklisting is intended to be imposed, has an adequate, informed and meaningful opportunity to show cause against his possible blacklisting. Any order which leads to evil civil consequences ought to be preceded with a notice granting reasonable opportunity of hearing.
10. In the instant case there is no notice intimating the petitioners that blacklisting was contemplated against them disclosing the reason therefor. On this

ground alone the impugned order of blacklisting is liable to set aside.

11. The blacklisting order came into effect in September 2022 and by now the maximum period of blacklisting is over.

12. As the order of blacklisting cannot be supported in law, the same is, accordingly, set aside.

13. As the order of blacklisting has been found to be unsustainable in law and has been set aside by the Court, the same shall not be referred to or relied upon by the respondents in any subsequent tender which may be floated by the authority or any other authority.

14. It will be open for the parties to take steps in the matter in accordance with law.

15. The report in the form of affidavit filed by the Deputy Commissioner of Police and the exception thereto filed by the petitioners be retained with the records.

16. The writ petition stands disposed of.

15. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)