

26.11.2025  
Court No.25  
D/L No.11  
S. Gayen

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**WPA 7132 of 2025**

**M/s. Freedom Construction & Ors.  
Versus  
Nadia Zilla Parishad & Ors.**

Mr. Bikram Banerjee  
Mr. Baibhav Roy  
Mr. Arindam Shit

...for the Petitioners

Mr. Amitava Chaudhury  
Mr. N. Roy

...for the Nadia Zilla Parishad

Mr. Santanu Kumar Mitra  
Mr. Subhabrata Das

...for the State

1. The petitioners have filed the present writ application challenging the order issued by the Secretary, Nadia Zilla Parishad dated 12<sup>th</sup> March, 2025, wherein the petitioner No.1/company has been blacklisted from all kind of works under the Nadia Zilla Parishad.
2. Learned counsel appearing for the petitioners submits that the impugned order is issued without following the due process of law and without giving an opportunity of hearing to the petitioner. The petitioner further submits that after issuance of the impugned order of blacklisting, the petitioner has also made a representation to the Secretary, Nadia Zilla Prishad on

20<sup>th</sup> March, 2025 requesting for recalling of the order but in spite of the representation submitted by the petitioner the authorities have not considered the request of the petitioner.

3. In the impugned order it is alleged that the petitioner has physically assaulted to Sri Sudeep Kundu, Sub-Assistant Engineer (Contractual), Nadia Zilla Parishad on 4<sup>th</sup> January, 2025. On receipt of report a meeting was conducted at Purto Kargo-O-Paribahan Sthayee Samity on 27<sup>th</sup> January, 2025 and it was resolved to blacklist the petitioner's firm for one year. The Sub-Assistant Engineer has also made complaint to the Kotwali Police Station on 6<sup>th</sup> January, 2025 being G.D. No. 407.
4. The State has filed the report, wherein it reveals that the Kotwali Police Station has initiated a case being NCR No. 119 of 2025 dated 14<sup>th</sup> March, 2025 under Sections 126/135(3) of BNSS against the petitioner on the basis of Police Station G.D. No. 407 dated 6<sup>th</sup> January, 2025 and G.D. No. 1252 dated 14<sup>th</sup> March, 2025.
5. Learned counsel for the petitioner further submits that after filing the instant writ application, the petitioner has applied certain information under Right to Information Act from the Secretary, Nadia Zilla Parishad and on receipt of the information, it is found that the ground of debarment cannot be issued if any

criminal case is initiated against the petitioner/contractor. The contractor can be debarred on the ground of submission of false or forged documents, use of sub-standard or defective materials, failure to comply with contractual obligations, refusal to accept award or abandonment of work or misappropriation of Government-supplied materials. He submits that the ground on the basis of which the petitioner has been blacklisted is not covered under any of the grounds.

6. In support of his submission, learned counsel for the petitioner relied upon a judgment in the case of ***State Bank of India & Ors. vs. Rajesh Agarwal & Ors.*** reported in ***(2023) 6 SCC 1*** and submits that the Hon'ble Supreme Court has categorically held that if the authorities are intending to blacklist the petitioner, an opportunity of hearing is required to be given to the petitioner but in the present case, no opportunity of hearing has been provided to the petitioner.
7. *Per contra*, learned counsel appearing for the Zilla Parishad submits that the work order was awarded to the petitioner. The petitioner's firm miserably failed to complete their entrusted work within the stipulated time and has not complied with the terms and conditions of the work order. When Sri Sudeep Kundu, Sub-Assistant Engineer (Contractual) raised objection to their poor performance, the petitioner No.1

assaulted and threatened on 4<sup>th</sup> January, 2025. The Sub-Assistant Engineer has reported the matter to the Secretary and accordingly, an emergency meeting was called and in the said meeting it was decided that the petitioner should be blacklisted for his illegal act. He further submits that the contractor cannot assault the officer of the Zilla Parishad. If he has any grievance against the Sub-Assistant Engineer could have reported the matter to the competent authority but in spite of the same he assaulted the Sub-Assistant Engineer. He further submits that a complaint was lodged before the police authority and the police authority has initiated a General Diary and enquiry report is submitted to the learned Court.

8. Learned counsel appearing for the State submits that a complaint was made by Sri Sudeep Kundu and on the basis of the complaint a General Diary was entered and enquiry was conducted and NCR Case has been registered and was sent to the Sub-Judicial Magistrate for further action.
9. Heard the learned counsel for the respective parties and perused the materials on record. This Court finds that the Secretary, Nadia Zilla Parishad has issued the order of blacklisting the petitioner on 12<sup>th</sup> March, 2025 on the ground that on receipt of the complaint from Sri Sudeep Kundu a General Diary was initiated by Kotwali Police Station being GD No. 407 dated 6<sup>th</sup>

January, 2025 and in the meeting of the Zilla Parishad it was decided that the petitioner should be blacklisted and accordingly the petitioner has been blacklisted.

10. Admittedly no notice or no opportunity of hearing was given to the petitioner before issuance of the impugned order dated 12<sup>th</sup> March, 2025. The petitioner by way of supplementary affidavit has submitted documents which he obtained under the RTI Act. As per the said document the rules governing blacklisting of contractors in the office of Zilla Parishad are as follows:-

**“Grounds for Debarment**

- i) As per the above memorandum, grounds include (among other);
- ii) Submission of false or forged documents.
- iii) Use of sub-standard or defective materials.
- iv) Failure to comply with contractual obligations.
- v) Refusal to accept award or abandonment of work.
- vi) Misappropriation of Government-supplied materials.”

11. In the said office report issuance of show cause notice to the contractor and opportunity of hearing is also provided. The said report also provides that if offence is proved, suspension/debarment is ordered for a fixed period up to 2 years for first offence and up to 3 years for repeated offence. In the present case the ground on which the petitioner has been blacklisted is not

covered any of the grounds of the said rules governing blacklisting.

12. This Court finds that no show cause notice has been issued and no opportunity of hearing has been given to the petitioner. This Court further finds that in the impugned order it was held that the meeting was conducted and after the discussion in the meeting the petitioner was blacklisted but the resolution of the meeting has not been supplied to the petitioner so that the petitioner can get opportunity to file reply to the said resolution.

13. Considering the above, this Court finds that the impugned order has been issued without following the due process of law and without giving opportunity of hearing of the petitioner and the ground on which the petitioner has been blacklisted is not covered in the rules governing blacklisting.

14. Considering the above, the impugned order dated 12<sup>th</sup> March, 2025 is set aside and quashed.

15. WPA 7132 of 2025 is accordingly allowed.

16. It is made clear that if the authorities intend to take any action against the petitioner, the authorities are at liberty to take appropriate action in accordance with law.

17. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

18. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

***(Krishna Rao, J.)***