

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 16298 OF 2024

Vasu Infosec Pvt. Ltd.

... Petitioner

V/s.

Mumbai Metro Rail Corporation Ltd. and Ors.

... Respondents

Ms. Esha Malik for the Petitioner

Adv. Shamiyana H. i/b. Rakesh Sawant for Respondent Nos. 1 and 2

Ms. Sushma Nagraj with Ms. Adyasha Das (through V.C.) for Respondent No.3

Ms. Neha S. Bhide, Govt. Pleader with Mr. O.A. Chandurkar, Addl.G.P with Ms. G.R. Raghuwanshi, AGP for Respondent No.5 - State

**CORAM : ALOK ARADHE, CJ. AND
ARIF S. DOCTOR, J.**

DATE : 17th FEBRUARY 2025

Order (Per Chief Justice) :

1. Learned Counsel for the Respondent No.1 is permitted to tender an affidavit in reply which is taken on record.

2. Rule. Rule is made returnable forthwith. With consent of the parties taken up for final disposal.

3. In this Petition, the Petitioner has assailed the validity of the impugned letter dated 28th June 2024, issued by the Respondent No.2

(MAPLE) by which the Petitioner has been debarred from any participation or supply of materials for Mumbai Metro Line-3 Project without specifying any period *interalia* on the ground that the Petitioner's Petroleum and Explosives Safety Organization (PESO) Certificate is forged and fabricated.

4. Facts giving rise to filing of this Petition in nut shell are, that the Petitioner is a Company incorporated under the provisions of the Companies Act 2013. The Respondent No.1 – MMRCL is a Corporation which is responsible for execution and development of all Metro Rail Projects in the State of Maharashtra which is an underground Metro Railway. The Petitioner is the sub-contractor of Respondent No.3 viz. TATA Projects. In the reverse auction process the Petitioner participated and was selected as the System Integrator for installation of the total flooding system work of project for Metro Line 3.

5. Subsequently, the Petitioner invited Respondent Nos.1 to 3 to carry out the Factory Acceptance Test as per the terms of the technical approval. After carrying out the Factory Acceptance Test, it is the case of the Petitioner based on all pre-approvals granted in favour of the Petitioner, including the PESO Certificate submitted by Respondent No.4, vendor approvals were granted in favour of the Petitioner.

6. In the impugned letter dated 28th June 2024 the Petitioner has been debarred from any participation or supply of materials for Mumbai

Metro Line-3 Project without specifying any period.

7. Hence, this petition.

8. The learned Counsel for the Petitioner has raised the similar contention that the aforesaid order has been passed without affording the opportunity of hearing to the Petitioner and in violation of principles of natural justice. The fact that no opportunity of hearing has been provided to the Petitioner is not disputed by the learned Counsel for Respondent No.1.

9. In *Gorkha Security Services Vs. Government (NCT of Delhi) & Ors.*¹ the Supreme Court has held that the blacklisting is equivalent to the civil death of a person. It has further been held that the order of blacklisting of a contractor is stigmatic in nature.

10. Admittedly, the impugned letter has been passed without granting an opportunity to the Petitioner therefore no sanctity can be attached. The impugned letter dated 28th June 2024 is quashed and set aside. However the liberty to the Respondents Nos.1 and 2 to proceed against the Petitioner, if so advised after affording the opportunity of hearing to the petitioner.

11. Accordingly the Writ Petition is disposed of.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)

1(2014) 9 SCC 105