



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 962 OF 2025

Pritam Prakash Rathi Vs The Collector, Akola and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Vipul Bhise, counsel with Mr. Shantanu Khedkar, counsel for petitioner.
Mr. N.S. Rao, AGP for respondent/State.
Mr. A.J. Thakkar, counsel for respondent No.2.

CORAM : ANIL S. KILOR and RAJNISH R. VYAS, JJ.
DATE : 04/11/2025

1. The black listing of the petitioner by the Public Works Department – Respondent No.2 for not completing the work within stipulated period is under challenge in this writ petition on three grounds :- (a) No notice was issued to the petitioner (b) The black listing is for unlimited period and (c) For the reason that the work is not completed within stipulated period or the breach of condition of the contract, the action of black listing is disproportionate.

2. The learned counsel for the respondent on the other hand pointed out that, a communication was issued to the petitioner on 09/12/2022, giving warning that if the work is not completed, he would be black listed.

3. Another letter was issued informing the petitioner that he has not started the work despite the request to start it. In the letter dated 19/12/2022, the petitioner was

asked to report back to the respondent No.2 whether the petitioner has commenced the work.

4. Admittedly, no response/reply was given by the petitioner either to the letters dated 09/12/2022 and 19/12/2022.

5. Considering the above referred conduct of the petitioner that the petitioner did not respond to letters dated 09/12/2022 and 20/12/2022 and further considering that despite repeated request, he did not complete the work, the respondent No.2 issued the order of black listing dated 27/12/2022 to the petitioner.

6. In the above referred backdrop, it is apparent on the face of record that before black listing the petitioner, no show cause notice was issued to the petitioner asking him as to why he should not be black listed for the reason that he has not completed the work within stipulated period. Further, no opportunity was given to the petitioner to show that whether the work is completed or not.

7. In that view of the matter, we are of the opinion that though the warnings were given to the petitioner as pointed out by the learned counsel for the respondent vide letters dated 09/12/2022 and 19/12/2022, the same cannot be treated as show cause notice as stipulated under the law, to be issued before black listing. In the circumstances, we pass the following order:

a] The writ petition is **allowed**.

- b] The order dated 27/12/2022 black listing the petitioner is hereby quashed and set aside.
- c] The respondent No.2 is at liberty to take a fresh decision after issuing show cause notice. If any show cause notice is issued by the respondent No.2 to the petitioner for black listing before any final decision, the respondent No.2 is expected to consider the remaining two grounds argued by the petitioner i.e. the black listing is for unlimited period, and for breach of condition of contract or for the reason of non-completion of work within stipulated period, the order of black listing is disproportionate.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)