

(2013) 01 KAR CK 0140
In the Karnataka High Court
Case No : Writ Petition No. 81425 of 2009

V.M. Gani and Sons

APPELLANT

Vs

Gulbarga Electricity Supply Company Limited

RESPONDENT

Date of Decision : 02-01-2013

Acts Referred:

Citation : (2013) 01 KAR CK 0140

Hon'ble Judges : S. Abdul Nazeer, J

Bench : Single Bench

Advocate : Shivayogimath Associates, for the Appellant; R.S. Patil, for R-1 and R-2, for the Respondent

Final Decision : Allowed

Judgement

S. Abdul Nazeer

1. This writ petition is directed against the order at Annexure-E dated 2.1.2009 where by the petitioner was black listed for a period of one year. I have heard the learned Counsel for the parties.

2. Perusal of the order at Annexure-E would show that the petitioner was not issued with a show cause notice calling upon as to why it should not be black listed nor was it heard. The Apex Court in Joseph Vilangandan Vs. The Executive Engineer, (PwD), Ernakulam and Others, has held that blacklisting has the effect of preventing a person from the privilege and advantage of entering into lawful relationship with the Government for purposes of gains. The fact that a disability is created by the order of blacklisting indicates that the relevant authority is to have an objective satisfaction. Fundamentals of fair play require that the person concerned should be given an opportunity to represent his case before he is put on the blacklist. As noticed above, the respondents have not issued a show cause notice nor have they heard the petitioner before passing the impugned order. The said order is unilateral in nature and is opposed to the principles of natural justice. Therefore, the order at Annexure-E dated 2.1.2009 passed by the 2nd

respondent is hereby quashed reserving liberty to the respondents to take fresh action against the petitioner in accordance with law. Writ petition is allowed accordingly. No costs.