

[ 3330 ]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY ,THE THIRTEENTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY FIVE



**:PRESENT:**

**THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

**WRIT PETITION NO: 3673 OF 2025**

**Between:**

M/s A-1 Facility and Property Managers Private Ltd., rep.by its Authorized Signatory, Mr. Mettapalli Dayakara Rao, Having its Registered Office at Plot No. AG-3, 3rd Floor, Cama Industrial Estate, Near HUB, Goregaon (East), Mumbai-400 063.

**Petitioner**

**AND**

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Department of Medical and Health and Family Welfare, A.P Secretariat buildings, Velagapudi, Guntur District.
2. The Andhra Pradesh Medical Services and Infrastructure Development Corporation (APMSIDC), Rep by its Managing Director, At Plot No. 9, Survey No. 49, 2nd Floor, IT Park, Mangalagiri, Guntur District.
3. The Director of Medical Education, Vijayawada, Krishna District.

**Respondents**

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be

pleased to issue an appropriate writ or order or direction more particularly a writ in the nature of a Writ of Mandamus declaring the Respondent no. 3 order in proceedings bearing Rc.no.2709696/PIg-DME/2025, dt.06.02.2025, thereby blacklisting the Petitioner company from participating in the future tenders for a period of two (2) years, with immediate effect as illegal, arbitrary, unjust and violative of Articles 14, 19 (1) (g) and 300A of the Constitution of India and further violative of Principles of Natural Justice and to consequently set aside/quash the said order dt. 06.02.2025.

**IA NO: 1 OF 2025**

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order vide Rc.no. 2709696/PIg-DME/2025, dt. 06.02.2025.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri JAVVAJI SARATH CHANDRA Advocate for the Petitioner, GP FOR MEDICAL HEALTH & FAMILY WELFARE for the Respondent Nos.1 & 2; Advocate General for the Respondent No.2 and the Court made the following.

**ORDER:**

**“The present writ petition is filed assailing the proceedings issued by the 3<sup>rd</sup> respondent vide Rc.No.2709696/PIg-DME/2025 dated 06.02.2025. Wherein and whereby, the 3<sup>rd</sup> respondent has placed the petitioner in the blacklist for a period of two years on the ground that the petitioner has not paid the ESI and EPF.**

Thereafter, EPFO authority has withdrawn the prohibitory order No.AP/DO/VJA/REC/149533 /Z-VII/CP-3/8Forder/2024 dated 20.08.2024 issued under Section 8F of the EPF & MP Act.

Whereas, with regard to ESI, proceedings are pending before the Presiding Officer, Labour Court-Employees State Insurance Court, Guntur, which were filed seeking to direct the respondent Nos. 1 and 2 to return the amount of Rs.7,60,770/, which was taken by the 2<sup>nd</sup> respondent from the 3<sup>rd</sup> respondent by attaching from the petitioner's sanitary bills for the month of May 2024 and also sought further direction to the 3<sup>rd</sup> respondent to take necessary steps to take back that amount of Rs.7,60,770/- from the 2<sup>nd</sup> respondent and would see to pay the same to the petitioner.

Learned counsel for the petitioner also relied on the judgment Hon'ble Apex Court in Blue Dreamz Advertising Pvt Ltd. and another v Kolkata Municipal Corporation and others<sup>1</sup> for the proposition that blacklisting has always been viewed by this Court as a drastic remedy and the orders passed have been subjected to rigorous scrutiny that in a ordinary breach of contract, where a party raises a bonafide dispute, blacklisting as a penalty ought not to have been resorted, as it amounts civil death and such person should not be prevented, commercially results in serious consequences.

Having regard to the submissions made by both the learned counsel and on perusal of the material available on record it appears that EPFO authorities have withdrawn the order that it indicates that there is no due to the EPFO authorities. Issue relating to ESI is pending before the ESI Court.

Therefore, this Court feels that it is a fit case to suspend the proceedings.

Accordingly, proceedings in Rc. No. 2709696 /Plg-DME/2025 dated 06.02.2025, is hereby suspended for a period of four (04) weeks.

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<sup>1</sup> 2024 SCC Online 1896

For filing counter, list the matter after four (04) weeks."

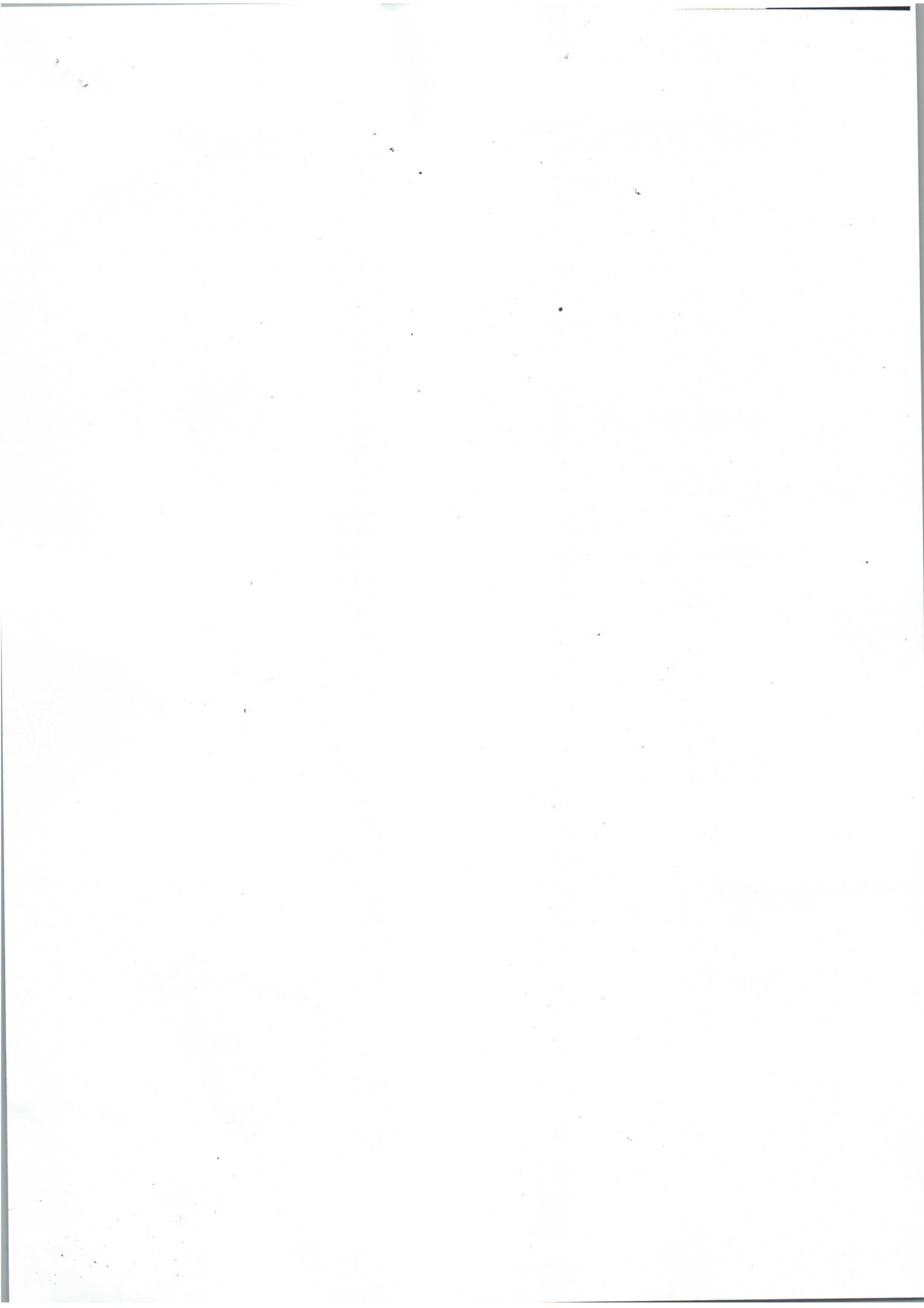
SD/-U.SRI DEVI  
ASSISTANT REGISTRAR  
*kw*  
SECTION OFFICER

//TRUE COPY//

For

To,

1. The Principal Secretary, Department of Medical and Health and Family Welfare, State of Andhra Pradesh, A.P Secretariat buildings, Velagapudi, Guntur District.[By Special Messenger]
2. The Managing Director, Andhra Pradesh Medical Services and Infrastructure Development Corporation (APMSIDC), At Plot No. 9, Survey No. 49, 2nd Floor, IT Park, Mangalagiri, Guntur District.
3. The Director of Medical Education, Vijayawada, Krishna District. (2, 3 by RPAD)
4. One CC to SRI. JAVVAJI SARATH CHANDRA Advocate [OPUC]
5. Two CCs to Sri Advocate General ,High Court Of Andhra Pradesh. [OUT]
6. Two CCs to GP FOR MEDICAL HEALTH & FAMILY WELFARE ,High Court Of Andhra Pradesh. [OUT]
7. One spare copy



HIGH COURT

TRR,J

DATED:13/02/2025

List the matter after four (04) weeks

ORDER

WP.No.3673 of 2025

SUSPENSION

