



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 3507 of 2023M/s M.e.I. Training And Assessments Limited **Versus** Food Corporation Of India

02/04/2024	Ms. Meha Rashmi, Advocate alongwith Shri Harshwardhan Rastogi, Advocate for the petitioner. Shri R.S. Patel, Advocate for the respondent. Heard on I.A. No.1 of 2023, an application for grant of interim relief. Learned counsel for the petitioner would submit that the order of blacklisting was passed contrary to the terms and conditions of the agreement. She would submit that there is no such provision to impose order of banning against the petitioner. It is also stated that behind the back of the petitioner a committee was constituted and on the basis of the report submitted by such committee the order was passed. It is also stated that the decision was premeditated on the part of the respondent. She would also submit that though detailed reply was filed to the show-cause notice but same has not been considered by the respondent/ authority while passing the impugned order. She has placed reliance on the judgment passed by the High Court of Bombay (D.B.) in the matter of Design Dialogues (India) Pvt. Ltd. vs. Bharat Petroleum Corporation Ltd. passed in Writ Petition (L) No. 1419 of 2015 dated 20.8.2015. It is held in this judgment that the separate agreement, therefore, deals with the contractual dispute and issues arising during the course of execution and implementation of the contract work, that may or may not empower Respondent No.1 to penalize the contractor by holiday



listing or blacklisting in addition to terminate the contract itself. She would also submit that when there is no provision in the entire agreement, no such order would have been passed by the authority.

On the other hand, learned counsel for the respondent would submit that the authority which has power to impose major penalty may impose minor penalty too. It is also argued that the grant of interim relief would amount to grant of final relief. He would argue that though there is specific provision for termination of contract but lesser penalty of blacklisting was passed against the petitioner. It is argued that there were various deficiencies in the work done by the petitioner and completion certificate has not been issued in favour of the petitioner yet.

He has placed reliance on the judgment of Hon'ble Supreme Court in the matter of **M/s. Patel Engineering Limited vs. Union of India**, reported in **AIR 2012 SC 2342**, which categorically states that there need not be any statutory grant of such power to pass such an order of blacklisting.

Taking into consideration the fact that the grant of interim relief would tantamount to grant of final relief; the authority after due satisfaction passed order of blacklisting; the reasons for blacklisting were specifically spelt out in the show-cause notice; and sufficient opportunity of hearing was also granted to the petitioner, therefore, at this stage, no case is made out for grant of interim relief.

Accordingly, I.A. No. 1 of 2023, an application for grant of interim relief is hereby **rejected**.

Post this matter for final hearing in the month of **July, 2024**.

Sd/-

(Rakesh Mohan Pandey)
Judge