



2024:UHC:8896

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrars order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>WPMS No. 2919 of 2024</u></p> <p><u>Hon'ble Rakesh Thapliyal, J.</u></p> <p>1. Mr. Ketan Joshi, learned counsel for the petitioner.</p> <p>2. Mr. Devendra Singh Bora, learned Standing Counsel for the State.</p> <p>3. The grievance of the petitioner is that the petitioner (a proprietorship firm) has been black listed by order dated 07.11.2023 passed by the District Supply Officer, Almora on the ground that the eatable items supplied by the petitioner was sub-standard quality.</p> <p>4. Learned counsel for the petitioner submits that the petitioner firm has been black listed without giving any notice and opportunity of hearing.</p> <p>5. On the previous date Mr. Devendra Singh Bora, learned Standing Counsel was directed to get instructions in the matter whether the petitioner has been given notice or opportunity of hearing before black listing and furthermore whether any procedure has been followed, as per the the provisions of Food Safety and Standard Act, 2006 to ascertain whether the eatable items supplied by the petitioner were sub-standard or not.</p> <p>6. Today, on instructions, Mr. Bora, learned Standing Counsel for the State fairly submits that before blacklisting the petitioner was not given any notice or opportunity of hearing and procedure as prescribed under the provisions of Food Safety and Standard Act, 2006 to ascertain the quality of</p>



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eatable items were not followed. However, he submits that this was the second time that the petitioner's firm repeatedly supplied the sub-standard eatable items. He further submits that earlier the petitioner was given warning despite this he has repeated the same thing.

7. Be that as it may, it is settled principle of law that no one can be blacklisted without giving any notice or opportunity of hearing. Hence, the impugned order cannot sustain, since, the same has been passed in violation of principle of natural justice.

8. Mr. Bora, learned Standing Counsel fairly submits that liberty may be given to the respondent to give fresh notice and opportunity of hearing to the petitioner and to pass a fresh order.

9. The submission as advanced by Mr. Bora, learned Standing Counsel is really appreciable.

10. After taking into consideration the argument as advanced by the learned counsel for the petitioner as well as learned Standing Counsel for the State, the impugned order dated 07.11.2023, passed by the District Supply Officer, Almora is quashed with the liberty to the respondent to pass fresh order after giving notice and opportunity of hearing to the petitioner.

11. The entire exercise be carried out and completed within a period of two months from the date of production of certified copy of this order. So far as issue with regard to the forfeiture of security amount is concerned that will be intact and will be subject to the outcome of the fresh decision taken by the respondent.

12. Subject to the observation and



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directions as made above, the writ petition is disposed of finally. If the petitioner still have a grievance after final determination by the respondent pursuant to the direction as above, the petitioner can avail appropriate remedy as available under the law.

(Rakesh Thapliyal, J.)
29.11.2024

Parul