

GAHC010104172024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2749/2024

M/S ARMENGE ENGG. AND MANAGEMENT CONSULTANT PVT LTD
HAVING ITS REGISTERED OFFICE AT- A1008, ASHIANA GREENWOOD,
NEAR SHOOTING RANGE, JAGATPRA, JAIPUR-302017 THROUGH ITS
AUTHORIZED REPRESENTATIVE SHRI RAM SINGH, GENERAL MANAGER,
SON OF SHRI OMKAR SINGH, R/O- VIJAYNAGAR, KHOONDROT, ALWAR,
RAJASTHAN-301704.

VERSUS

THE UNION OF INDIA AND 2 ORS.
THROUGH THE SECRETARY, MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS, TRANSPORT BHAWAN, 1, PARLIAMENT STREET, NEW DELHI-
110001.

2:NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION (NHIDCL)

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
GOVT. OF INDIA
1ST AND 2ND FLOOR
TOWER-A
WORLD TRADE CENTRE
NAROJI NAGAR
NEW DELHI-110029 AND ASLO AT REGIONAL OFFICE GUWAHATI
2ND FLOOR
AGNISHANTI BUSINESS PARK
OPPOSITE AGP OFFICE
GNB ROAD
AMBARI
GHY-781001.

3:EXECUTIVE DIRECTOR (T)

NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION (NHIDCL)
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
GOVT. OF INDIA
1ST AND 2ND FLOOR
TOWER-A
WORLD TRADE CENTRE
NAROJI NAGAR
NEW DELHI-11002

Advocate for the Petitioner : N GAUTAM

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 19.06.2024

Heard Mr. R. R. Raj, learned counsel for the petitioner. Also heard Mr. P.J. Saikia, learned Senior Counsel assisted by Ms. M. Nirola, learned counsel for the respondents.

2. This writ petition is filed putting to challenge the impugned order dated 13.05.2024 wherein one M/s Feedback Infra Pvt. Ltd. in Joint Venture with M/s Armenge Engg. & Management Consultant Pvt. Ltd., namely, the present writ petitioner have been debarred from participating in future projects of NHIDCL, either directly or indirectly from the date of issuance of the notice within a period of 2 (two) years in accordance with Clause 2.9.7 of GCC of the Contract Agreement.

3. It is submitted that each of the component of the JVs namely, M/s Feedback Infra Pvt. Ltd. in Joint Venture and present writ petitioner have approached this Court challenging the impugned debarred Notice dated

13.05.2024 by filing two separate writ petitions.

4. WP(C)/2934/2024 was filed by M/s Feedback Infra Pvt. Ltd. The present writ petition is filed by M/s Armenge Engg. & Management Consultant Pvt. Ltd.

5. A Co-Ordinate Bench by Judgment and Order dated 05.06.2024 passed in WP(C)/2934/2024, which was filed by M/s Feedback Infra Pvt. Ltd. has interfered with the impugned debarment Notice dated 13.05. By the said order, the impugned notice was set aside. A similar order is prayed for in the present writ petition since by the said debarment notice dated 13.05.2024, the petitioner has also been debarred.

6. It is submitted by Mr. P.J. Saikia, learned Senior Counsel assisted by Ms. M. Nirola, learned counsel for the respondents that the notice was issued to the Joint Venture and that having been set aside, no separate orders are required to be passed in the present writ petition.

7. The learned counsels for the parties have been heard. Pleadings on record have been carefully perused. The debarment notice dated 13.05.2024 have also been noted.

8. By the said order the debarment Notice dated 13.05.2024 was set aside. The debarment Notice was issued debarring the M/s Feedback Infra Pvt. Ltd. in Joint Venture with M/s Armenge Engg. & Management Consultant Pvt. Ltd., from participating in the NHIDCL contracts for a period of 2 (two) years, in view of the Clause 2.9.7 of GCC of the Contract Agreement. The operative part of the notice reflects as under:-

“7. WHEREAS, in light of above, M/s Feedback Infra Pvt. Ltd. in JV with M/s Armenge Engg. & Management Consultant Pvt. Ltd., 10th Floor, Building no.10C, DLF Cyber City, Phase-2, Gurugram-122002, Haryana, is hereby debarred from

participating in future projects of NHIDCL either directly or indirectly from the date of issuance of this notice for period of 02 years in accordance with Clause 2.9.7 of GCC of the Contract Agreement.”

9. It is seen that this Co-Ordinate Bench by order dated 05.06.2024 in WP(C)/2934/2024 has already interfered with the said notice and the notice was directed against the joint venture comprising of M/s Feedback Infra Pvt. Ltd. in Joint Venture with M/s Armenge Engg. & Management Consultant Pvt. Ltd.. In that view of the matter, no separate orders are called for in this writ petition. The benefits conferred by the order dated 05.06.2024 in WP(C)/2934/2024 will have to be conferred to the present writ petitioner also.

10. Accordingly, the debarment Notice dated 13.05.2024 will also be deemed to be set aside in so far as the present writ petitioner is concerned.

11. Writ petition, is accordingly, disposed of in terms of the above.

JUDGE

Comparing Assistant