

GAHC010159412024



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

Case No. : WP(C)/4066/2024

DECCAN ELECTRICAL PRIVATE LIMITED
A PRIVATE LIMITED COMPANY REGISTERED UNDER THE INDIAN
COMPANIES ACT, 1956,
HAVING ITS REGISTERED OFFICE AT 301, APURUPA PCH, 8-2-293/A/A/1,
BANJARA HILLS ROAD NO. 2, HYDERABAD, INDIA.
REPRESENTED BY ITS MANAGING DIRECTOR, MR. N K AGARWAL.

VERSUS

UNION OF INDIA AND 7 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY,
MINISTRY OF POWER,
GOVERNMENT OF INDIA, NEW DELHI- 781006.

2:REC LIMITED
(A GOVERNMENT OF INDIA ENTERPRISE)

REGISTERED OFFICE AT CORE-4
SCOPE COMPLEX

7
LODHI ROAD
NEW DELHI- 110003

CORPORATE OFFICE AT- PLOT NO. 1-4
NEAR IFFCO CHOWK METRO STATION

SECTOR-29
GURUGRAM- 122001 (HARYANA).

3:ASSAM POWER DISTRIBUTION COMPANY LIMITED
REPRESENTED BY MANAGING DIRECTOR

OFFICE AT 6TH FLOOR
BIJULEE BHAWAN

PALTAN BAZAR
GUWAHATI- 781001.

4:MANAGING DIRECTOR
ASSAM POWER DISTRIBUTION COMPANY LIMITED
6TH FLOOR
BIJULEE BHAWAN

PALTAN BAZAR
GUWAHATI- 781001.

5:CHIEF GENERAL MANAGER (PROJECT PLANNING AND DESIGN)
ASSAM POWER DISTRIBUTION COMPANY LIMITED
6TH FLOOR
BIJULEE BHAWAN

PALTAN BAZAR
GUWAHATI- 781001.

6:EXECUTIVE DIRECTOR
RESULT LINKED DISTRIBUTION SECTOR SCHEME (RDSS)
CORPORATE OFFICE AT PLOT NO. 1-4

NEAR IFFCO CHOWK METRO STATION

SECTOR-29
GURUGRAM- 122001

HARYANA.

7:NODAL OFFICER
RESULT LINKED DISTRIBUTION SECTOR SCHEME (RDSS)
ASSAM POWER DISTRIBUTION CO. LTD.
6TH FLOOR
BIJULEE BHAWAN

PALTAN BAZAR
GUWAHATI- 781001.

8:M/S J.D. CONSTRUCTION
A PARTNERSHIP FIRM

REGISTERED OFFICE AT 108
HOWLY TOWN

WARD NO. 1
HOWLY

DISTRICT- BARPETA
ASSAM
PIN- 781316

Advocate for the Petitioner : MR. JYOTIRMOY ROY, MR. C CHAKRAVARTY, B SAHA, MR. JAYANTA ROY, MR. B P SARMAH, MR. S SARMA

Advocate for the Respondent : DY.S.G.I., SC, APDCL

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

21.08.2024

- 1.** Heard Mr. J. Roy, learned Senior Counsel assisted by Ms. N. Ahmed, learned counsel for the petitioner. Also heard Mr. K.P. Pathak, learned counsel for the APDCL, respondent nos.3, 4 & 5.
- 2.** The petitioner is aggrieved by the letter dated 25.06.2024 issued by the respondent no.5, whereby the petitioner company has been suspended and debarred from participating in the APDCL tenders/works for a period of 5 years from the date of issue of the letter.
- 3.** Mr. J. Roy submits that the petitioner is a provisional vendor registered with the APDCL. He submits that no notice was issued prior to the issuance of the impugned letter dated 25.06.2024.
- 4.** Mr. K.P. Patha, learned counsel for the respondent nos.3, 4 & 5 submits

upon instructions that no notice was issued to the petitioner, prior to the impugned letter dated 25.06.2024 being issued by the respondent no.5. In this regard, he has produced the letter dated 19.08.2024 issued by the respondent no.5, wherein it has been recorded as follows :

“However, as seen from the records, it is evident that no show-cause-notice was issued to the petitioner company prior to the issuance of the debarment order”

5. The letter dated 19.08.2024 issued by the respondent no.5 is made a part of the record and marked as Annexure-X.

6. In view of the admission by the respondent nos.3,4 & 5 that no notice was issued to the petitioner, prior to the impugned letter dated 25.06.2024 being issued by the respondent no.5, debarring the petitioner from participating in any tender issued by the APDCL, this Court is of the view that the said letter dated 25.06.2024 is unsustainable in law, as the same violates the principles of natural justice. The same is accordingly set aside.

7. The writ petition is accordingly allowed.

JUDGE

Comparing Assistant