

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

W.P.No.19546 OF 2008

ORDER:

The present writ petition came to be filed seeking issuance of writ of *Mandamus* to declare the action of the respondents in not considering the case of the petitioner company and passing circular without taking any action against STUP consultancy or Mahendra Joshi, who according to respondents are main beneficiaries, and passing circular/order vide No.6/2008 (Vigilance) dated 21.8.2008 of respondent No.2 behind the back of the petitioner without even giving him an opportunity to challenge the same as illegal and arbitrary, and consequently, to quash or set aside the same.

2. The order dated 21.8.2008 of respondent No.2 reads as under:

"No.13013/6/2007-Vig/654

August 21, 2008

CIRCULAR No.6/2008 (Vigilance)

Sub : Debarring/black-listing of M/s.Hazmer Infracon India Pvt.Ltd., Hyderabad.

M/s.Hazmer Infracon India Private Limited, Plot No.287/A, MLA Colony, Road No.12, Banjara Hills, Hyderabad-34 is debarred/black-listed for any future works, directly or indirectly connected with NHAI for a period of 5 (five) years.

2. This is issued with the approval of the Competent Authority.

(R.Mukundan)

Chief Vigilance Officer

To

All Members
All CGMs
All GMs/DGMs/Managers
All PIUs/CMUs of NHAI

Copy to:

1. PS to Chairman
2. Librarian/Hindi Officer"

A reading of the said circular would show that the petitioner herein is debarred for any future works directly or indirectly connected with NHAI for a period of five years.

3. On 11.9.2008, this Court suspended the proceedings, dated 21.8.2008 for a period of two weeks initially, which was being extended from time to time. The interim order granted earlier was extended till 3.2.2009 to which date, the case was posted for final hearing. Thereafter, the interim order was not extended.

4. At the time when the matter is taken up for hearing, learned Standing Counsel for the respondents submits that nothing survives for adjudication in the present writ petition in view of the lapse of time, as the stay granted by this Court expired on 3.2.2009, and as the period of ban imposed on the petitioner expired. It is further stated that the petitioner did not participate in any of the auctions conducted by NHAI during the period of his suspension for the period of five years and the respondent authorities would permit him to participate in the auctions, if any, conducted by N.H.A.I. in future.

5. In view of the submission made by the learned Standing Counsel for N.H.A.I., this Court is of the view that nothing survives for adjudication and accordingly, this Writ Petition is closed. There shall be no order as to costs.

6. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C.PRAVEEN KUMAR

Date: 16.11.2015

AMD

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THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

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