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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ CS(OS) 1223/2014 and I.A. 24456/2014

M/S SERGI TRANSFORMER EXPLOSION PREVENTION TECHNOLOGIES PVT LTD ..... Plaintiff

Through: Mr. Ravi Gupta, Sr. Advocate with Mr. G.L.N. Murthy and Mr. Akshay Ringe, Advocates

versus

CENTRAL POWER RESEARCH INSTITUTE ..... Defendant

Through: Mr. V.K. Tandon, Advocate with Mr. V.V. Pattanshetti, from the defendant.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

% 12.03.2015

1. This order is in continuation of the order dated 04.03.2015, passed in I.A. 24456/2014, an application filed by the plaintiff under Order XXXIX R 1 and 2 CPC.

2. On the last date of hearing, in the course of arguments, learned counsel for the plaintiff had pointed out that before issuing the blacklisting order, the defendant had failed to follow the principles of natural justice by issuing a notice to show cause to the plaintiff or affording it an opportunity of hearing, thus jeopardising its business interests and bringing down its reputation in the eyes of its customers. Counsel for the defendant had responded by seeking time to obtain

instructions from his clients.

3. Today, Mr. Tandon, learned counsel for the defendant states that his clients have drafted a show cause notice dated 11.03.2015 and the same has been served upon the plaintiff through counsel today. A copy thereof is handed over and taken on record. It is submitted that in view of the aforesaid notice to show cause having been issued to the plaintiff, the impugned order dated 03.01.2014 is withdrawn by the defendant while reserving its right to consider the plaintiff's reply and pass appropriate orders, in accordance with law.

4. Counsels for the parties state that they are agreeable to a date and time being fixed for the authorised representative of the plaintiff to appear before the Director General/Director of the defendant for a personal hearing.

5. Accordingly, it is directed that after submitting a reply to the notice to show cause within the stipulated time, the authorised representative of the plaintiff shall appear before the Director General/Director of the defendant on 06.04.2015 at 2:30 PM for a personal hearing. After perusing the reply submitted by the plaintiff to the notice to show cause and considering the submissions made on its behalf, the Competent Authority shall pass a speaking order under written intimation to the plaintiff.

6. It has been agreed between the parties that till a speaking order is passed by the defendant, the plaintiff shall not display the letter dated 04.12.2007 on its website or by any other mode. Similarly, the defendant shall not display the order dated 03.01.2014 on its website or through any other mode.

7. Counsel for the plaintiff states that in view of the order passed above, the plaintiff gives up its claims of damages against the defendant.

8. The suit is disposed of in view of the orders passed hereinabove alongwith the pending application.

9. Needless to state that if the plaintiff is aggrieved by the orders that may be passed by the defendant, it shall be entitled to seek its remedies in accordance with law.

10. The dates already fixed stand cancelled.

HIMA KOHLI, J

MARCH 12, 2015
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