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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2146/2016

M/S WHITEFIELDS OVERSEAS LTD.

..... Petitioner

Through: Mr. Ashish Kapur, Advocate with
Ms. Chhavi Luthra and Mr. Tribhuvan
Rathi, Advocates.

versus

M/S PEC LIMITED

..... Respondent

Through: Mr. Sanjeev Narula, Advocate with
Ms. Meha Rashmi, Advocate.

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Date of Decision: 15th March, 2016.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

CM Appl. 9200/2016 (exemption) in W.P.(C) 2146/2016

Allowed, subject to just exceptions.

W.P.(C) 2146/2016

1. Present writ petition has been filed challenging the letter dated 18th November, 2015 whereby the petitioner-firm was blacklisted/debarred and prohibited from entering with any trade transaction with the respondent for a period of three years.

2. Learned counsel for petitioner states that the contract does not provide for a penalty of blacklisting and the policy of blacklisting came into force on 18th August, 2015 i.e. subsequent to issuance of the letters dated 18th December, 2014, 08th January, 2015 and 19th May, 2015 which were directed to be treated as show cause notices by this Court in OMP(I) 408/2015. He further states that petitioner was not given a hearing by the First Level Committee.

3. Learned counsel for respondent has handed over in Court a copy of the order dated 18th November, 2015 passed by the Second Level Committee. It is a detailed order containing reasons. The same is taken on record.

4. From the aforesaid order, it is apparent that the petitioner was given an opportunity of hearing by the respondent in accordance with the order dated 11th August, 2015 disposing of OMP(I) 408/2015.

5. In the opinion of this Court, the order dated 18th November, 2015 does not deal with the contention that the blacklisting policy had been introduced for the first time on 18th August, 2015, as this plea had not been taken by the petitioner in its initial representation dated 01st September, 2015 submitted in accordance with the order dated 11th August, 2015 passed in OMP(I) 408/2015.

6. It is pertinent to mention that a Coordinate Bench of this Court while disposing of OMP(I) 408/2015 had given the petitioner liberty to file a reply to the show cause notices within a period of three weeks, which expired on 01st September, 2015.

7. However, at this stage, learned counsel for petitioner states that the fact that petitioner's blacklisting policy had been introduced on 18th November, 2015 came to the petitioner's knowledge on 26th October, 2015.

He states that immediately on coming to know of the said policy, petitioner made another representation dated 20th November, 2015.

8. Though the second representation dated 20th November, 2015 is subsequent to the passing of the impugned order, yet this Court, in the facts and circumstances of the case, directs the respondent to dispose of the said representation within a period of four weeks by way of a reasoned order.

9. It is clarified that the impugned blacklisting order has not been stayed or modified by this Court.

10. With the aforesaid direction, present writ petition stands disposed of.

MARCH 15, 2016

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MANMOHAN, J

