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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2979/2016 & CM APPLs. 12521-12522/2016

SARVESH SECURITY SERVICES PVT. LTD. Petitioner

Through Mr. Jayant Tripathi with Ms. Aastha Jain, Mr. Rajul Jain and Ms. Sneha Singh, Advocates

versus

THE COMPTROLLER & AUDITOR

GENERAL OF INDIA

..... Respondent

Through Mr. Gaurang Kanth with Ms. Biji Rajesh, Advocates for CAG.
Mr. Srinivasan, Principal Secretary, CAG.

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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05.04.2016

Present writ petition has been filed challenging the order dated 29th March, 2016 whereby respondent has debarred the petitioner from participation in future tenders for period of five years on the ground that petitioner did not disclose the factum of blacklisting by LIC.

It is the case of the respondent that the aforesaid non-disclosure was in contravention of tender conditions.

However, learned counsel for petitioner states that the show cause notice dated 2nd November, 2015 did not specify the penalty of debarment.

He further states that the show cause notice was issued on the sole ground of alleged concealment of the blacklisting order issued by the LIC. He states that the show cause notice did not mention any other issues which were subsequently taken as ground for debarment in the impugned order.

Upon a perusal of the paper book this Court finds that the contentions and submissions advanced by learned counsel for petitioner are correct. Accordingly, the impugned order is set aside and a fresh show cause notice is directed to be issued by respondent. The fresh show cause notice shall be issued within one week and reply to the said show cause notice shall be filed within two weeks.

Respondent is directed to decide the matter afresh after giving an opportunity of hearing to the petitioner.

However, as this Court is informed by learned counsel for respondent on instruction of Mr. Srinivasan, Principal Secretary who is personally present in Court, that another security agency has already been engaged by the respondent, this Court does not direct reinstatement of the petitioner's services.

With the aforesaid directions, present writ petition and applications are disposed of.

Order dasti.

MANMOHAN, J

APRIL 05, 2016

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