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

+ W.P.(C) 4386/2016 & CM 18370/2016

INOVISION LIMITED

..... Petitioner

Through : Mr Chirag Jamwal

versus

UNION OF INDIA & ORS

..... Respondents

Through : Mr Sanjib K. Mohanty for R-1.
Mr J. C. Seth for Respondent Nos. 2-3.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
16.05.2016

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The learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty that the letter dated 23.03.2016 shall not come in the way of the petitioner in future tenders.

The present tender was for security/ vigilance through tender No. C-DOT /ADMIN/Security-Vigilance 2015-2017/001. The petitioner's bid was found to be technically non-responsive based on the petitioner's alleged past performance. The learned counsel for the respondents submits that there was some vigilance enquiry which was done internally by the respondents, as a result of which the petitioner was not found to be technically responsive. However, no show cause notice was given to the petitioner nor was any opportunity accorded to the petitioner to rebut the allegation against it.

In these circumstances, we permit the petitioner to withdraw this writ petition but, also direct that the letter dated 23.03.2016 with regard to the petitioner's alleged past

performance shall not be used against the petitioner in future tenders because this would amount to blacklisting without an opportunity of hearing. In case the respondents contemplate blacklisting the petitioner or to indirectly declare the petitioner to be technically non-responsive on this ground for future tenders, a proper show cause notice with full opportunity of hearing should be given to the petitioner.

The writ petition stands disposed of, as above.

BADAR DURREZ AHMED, J

**MAY 16, 2016
SR**

SANJEEV SACHDEVA, J