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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 02.12.2016

+ W.P.(C) 11385/2016

M/S M.V.OMNI PROJECTS (INDIA) LTD.

..... Petitioner

versus

NBCC (INDIA) LTD.

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. V.K.Garg, Sr. Advocate with Mr.O.P.Bhadani, Mr Jaswant Persoya
and Mr Neeraj Sharma

For the Respondent : Mr Abir Phukan with Mr. Surya Prakash and Ms Saumya Sharma

CORAM:

HON'BLE MR JUSTICE SANJEEV SACHDEVA

J U D G M E N T

SANJEEV SACHDEVA, J (ORAL)

CM No.44646/2016 (exemption)

Exemption is allowed subject to all just exception.

W.P.(C) 11385/2016 & CM No.44645/2016 (stay)

1. The petitioner impugns order dated 08.11.2016, whereby, it has been directed to place the petitioner in the holiday list for a period of two years with immediate effect and to disqualify the petitioner from any tender which is in process.

2. Learned senior counsel for the petitioner has contended that no show cause notice contemplating such an action was ever issued to the petitioner nor an opportunity of hearing was granted to the petitioner. Learned senior counsel for the petitioner refers to letters dated 03.05.2016, 05.05.2016 and 04.07.2016 and submits that though these letters state that an action in accordance with NIT terms would be taken, however, the same do not specifically put the petitioner to notice that any action of blacklisting or disqualification is contemplated.
3. Issue notice. Notice is accepted by the learned counsel for the respondent.
4. Learned counsel for the respondent contends that apart from these three notices, there is no other notice. He further submits that specifically the petitioner has not been put to notice that any order of blacklisting or disqualification is going to be passed against the petitioner.
5. Learned counsel for the respondents submits that to overcome any technical defect in the impugned order, the respondent would issue a fresh show cause notice and grant the petitioner an opportunity of hearing and then take a decision afresh.
6. In view of the above, the impugned order dated 08.11.2016 is set aside. The respondents are at liberty to proceed in accordance with law.
7. It is clarified that this Court has not examined the contentions of either of the parties on merits and has set aside the order dated 08.11.2016 solely on the ground that show cause notice was not issued and the respondents have agreed to issue a show cause notice and grant a hearing to the petitioner.

8. Needless to state that in case any order is passed against the petitioner, the petitioner would be at liberty to take appropriate remedies in accordance with law.

The writ petition is, accordingly, disposed of.

Dasti under the signatures of the Court Master.

SANJEEV SACHDEVA, J

DECEMBER 02, 2016
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