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

% Judgment delivered on: 25.01.2017

+ W.P.(C) 681/2017

BUCON ENGINEERS AND INFRASTRUCTURE PVT LTD

..... Petitioner

versus

INDRAPRASTHA GAS LTD AND ORS Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Deepak Dhingra with Mr. Natwar Rai, Advocates.

For the Respondents : Ms. Sreoshi Chatterjee with Ms. Astha Gaur and Mr. S. Aggarwal,
Advocates for respondent No.1.
Ms. Purnima Maheshwari, Advocate for respondent Nos.2 and 3.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

25.01.2017

SANJEEV SACHDEVA, J. (ORAL)

CM No.3131/2017 (exemption)

Exemption is allowed subject to all just exceptions.

W.P.(C) 681/2017 & CM No.3130/2017 (stay)

1. The petitioner, by the present petition, seeks a direction to respondent No.1 to permit the petitioner to participate in the forthcoming tender for laying gas pipeline in NCT of Delhi and Rewari. The last date for submission of the tender is 31.01.2017 at 3:00 pm. Further direction is

sought against respondent No.2 to hold the proceedings in the appeal filed by the petitioner, impugning the order dated 31.03.2016, suspending/putting the petitioner on holiday. It is contended that, on account of the said order, banning the petitioner, the petitioner is suffering civil consequences and is not able to participate in various tenders. It is further submitted that an appeal has been filed on 28.04.2016 and the same is not being decided by the respondent No.2.

2. Learned counsel appearing for the respondent No.1 submits that the petitioner cannot be permitted to participate in the subject tender since Clause 2.4 of 'Eligibility of Bidder' specifically stipulates that a bidder should not have been put on holiday or blacklisted by owner or any other Government Department/Public Sector. Learned counsel submits that since the petitioner has been put on holiday, the petitioner is ineligible to participate in the said tender.

3. Learned counsel appearing for the respondent Nos.2 and 3 submits that the respondent Nos.2 and 3 shall expeditiously dispose of the appeal filed by the petitioner.

4. Since the petitioner has filed an appeal as far back as in April, 2016 and civil consequences follow on account of the banning order, I deem it appropriate to direct the respondent No. 2 to expeditiously dispose of the appeal filed by the petitioner, preferably, within a period of 15 days from today. Since the last date for submission of the tender with respondent No. 1 is 31.01.2017, the respondent No.2 is directed to immediately consider the prayer of the petitioner seeking interim suspension/keeping

in abeyance the order dated 31.03.2016.

5. Respondent No.2 shall hold a sitting on 27.01.2017 at 2:00 pm. The petitioner shall be afforded an opportunity of personal hearing at 2:00 pm on 27.01.2017 in the office of the respondent No.2 at Noida. The petitioner, through its authorized representative, shall be present in the Noida Office at 2:00 pm on 27.01.2017, for being heard. Respondent No.2 is directed to dispose of the appeal, if not the appeal then the interim application seeking suspension/keeping in abeyance the order dated 31.03.2016 by the end of 30.01.2017. The order shall be communicated to the petitioner. The petitioner shall be at liberty to avail all such remedies as may be available in law.

6. The writ petition is, accordingly, disposed of in the above terms.

7. *Dasti* under the signatures of the Court Master.

JANUARY 25, 2017
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SANJEEV SACHDEVA, J