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

**Judgment delivered on: 10.03.2017**

**W.P.(C) 2259/2017**

**TEMA INDIA LIMITED**

**..... Petitioner**

**versus**

**ENGINEERS INDIA LIMITED AND ANR**

**..... Respondents**

**Advocates who appeared in this case:**

For the Petitioner : Mr. Akhil Sibal with Mr. Salim Inamdar, Mr. Hasan Murtaza and Mr. Nikhil Chawla, Advocates.

For the Respondents : Mr. Sanjay Jain, ASG with Ms. Anuradha Mukherjee, Ms. Mekhla Anand, Ms. Shreya Som and Ms. Mimansa Ambastha, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**ORDER**

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**10.03.2017**

**W.P.(C) 2259/2017 & CM No.9778/2017 (for interim relief)**

1. The petitioner seeks quashing/setting aside of the action of the respondents placing the petitioner in the Holiday List and to re-induct the petitioner in the Approved Vendor List and, consequently, to consider the petitioner's bid for the Notice Inviting Tender for

upgradation of the existing 10.5 MMTPA Manali Refinery at Chennai.

2. The contention of the petitioner is that the petitioner was allegedly put on a holiday as far back as in the year 2009 and the reasons for the same have till date not been communicated despite the fact that the petitioner has been representing against the same.

3. Learned counsel for the petitioner submits that as per the Procedure for Suspension/Banning of Business Dealings, issued by the respondents, as applicable w.e.f. 12.05.2016, the maximum period for which a vender can be banned is three years in terms of Annexure-1, thereto.

4. Learned counsel for the petitioner submits that the maximum period of three years is already over. Several representations have been given to the respondents to put the petitioner back on the Vendor List. But to no avail.

5. Learned ASG appearing for the respondents submits that the Procedure for Suspension/Banning of Business Dealings is applicable only w.e.f 12.05.2016 and is not applicable in the case of the petitioner, since, the petitioner was put on a holiday in the year 2009.

6. However, he, under instructions, submits that the respondents are willing to reinstate the petitioner on the approved Vender List provided the petitioner satisfies the eligibility criteria for the same as of date.

7. Learned ASG submits that for the purposes of deciding whether the petitioner satisfies the criteria or not, an inspection and assessment of the manufacturing facility of the petitioner at Mumbai would be necessary.

8. In view of the above, the order putting the petitioner on the Holiday List is quashed.

9. The respondents are permitted to carry out a physical audit/assessment of the manufacturing facility of the petitioner at Mumbai. As agreed to by learned counsel for the petitioner, the physical inspection would be carried out on 14.03.2017, and if required, the same may continue on 15.03.2017.

10. In case, there is any deficiency, the respondents shall intimate the petitioner by 20.03.2017 and further requiring the petitioner to rectify or correct the same and/or represent against the same within a period of 7 days thereafter. The final decision whether the petitioner can be put on the approved Vendor List or not would be communicated to the petitioner by 31.03.2017.

11. Learned ASG appearing for the respondents further submits that the date of submission of the bids for the Tender for upgradation of the existing 10.5 MMTPA Manali Refinery at Chennai shall be deferred to 17.04.2017. The statement is taken on record.

12. The writ petition is disposed of in the above terms. It is clarified that if the petitioner is aggrieved by the decision of the respondents with regard to putting the petitioner on the vendor list, the petitioner shall be at liberty to take such remedies as may be available in law.

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

**SANJEEV SACHDEVA, J**

**MARCH 10, 2017**  
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