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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 22.03.2017

W.P.(C) 2473/2017

SARVESH SECURITY SERVICES PRIVATE LIMITED

..... Petitioner

versus

**THE COMPTROLLER &
AUDITOR GENERAL OF INDIA**

.... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr Arjun Mitra, Ms Aastha Jain and Ms Jaskaran Kaur
For the Respondent : Ms Biji Rajesh, Ms Eshita Baruah for Mr Gaurang Kanth

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% 22.03.2017

SANJEEV SACHDEVA, J. (ORAL)

CM No.10704/2017 (exemption)

Allowed, subject to all just exceptions.

W.P.(C) 2473/2017 & CM No.10703/2017(stay)

1. Learned counsel for the petitioner submits that the main reason for passing the impugned order of debarment for a period of five years is the allegation that the petitioner was aware of the blacklisting order

passed by the Life Insurance Corporation (LIC) on 17.02.2015 and the same was not disclosed at the time of the submission of the bid on 14.03.2015.

2. Learned counsel for the petitioner submits that the petitioner was not aware of the blacklisting order passed by LIC, Muzaffarpur as the said order was received much later.

3. Learned counsel for the respondent submits that the contention of the petitioner, as borne out from various documents submitted by the petitioner, was that the Delhi Office was not aware of the blacklisting order and there is also a discrepancy in the date as to when Delhi office became aware of the order because at one place, they had stated that they became aware only in October, 2015 whereas they had transmitted a copy of the order on 10.09.2015 to the respondents.

4. Learned counsel for the respondents further submits that the debarment order has been passed not only on the ground of non-disclosure but also on account of other lapses.

5. Learned counsel for the petitioner submits that neither the Delhi Office nor the Patna Office was aware of the blacklisting order by LIC when the bid was submitted. He submits that an affidavit to the said

effect would be filed with the respondents. He further submits that the blacklisting order issued by LIC has already been quashed.

6. Learned counsel for the petitioner submits that the other grounds mentioned in the show-cause notice and as stated in the impugned order do not entitle the respondent to debar the petitioner. He submits that if the main reason for debarment (i.e. concealment of blacklisting by LIC) is omitted, it would certainly affect and have a bearing on the period of debarment.

7. Learned counsel for the respondent submits that in case the petitioner files an affidavit, as indicated above, the respondents would reconsider the debarment order of the petitioner with regard to the issue of concealment and the effect thereof on the other lapses by the petitioner.

8. In view of the above, the impugned order dated 27.07.2016 is set aside, subject to the petitioner filing the affidavit, as indicated above, with the respondents by tomorrow, i.e. 23rd March, 2017.

9. The respondents shall thereafter reconsider the case of the petitioner and pass a fresh order in accordance with law, without being influenced by anything stated in this order.

10. It is clarified that this Court has neither examined nor commented upon the merits of the contentions of the petitioner as well

as of the reasoning given by the respondents in the debarment order qua the other grounds.

11. Since the last date for submission of the bids for other tenders of the respondents is stated to be 30.03.2017, as agreed by counsel for the respondent, the respondent shall pass a fresh order on or before 29.03.2017, which shall be duly communicated to the petitioner immediately on passing.

12. It is clarified that the petitioner would be at liberty to avail of such remedies as may be available in law, in case the petitioner is aggrieved by any order passed by the respondent.

13. The Writ Petition is disposed of in the above terms.

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

SANJEEV SACHDEVA, J

MARCH 22, 2017

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