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

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Judgment delivered on: 22.03.2017

+ W.P.(C) 2608/2017

ANAND & CO. THROUGH: ITS PROPRIETOR Petitioner

versus

INDIAN OIL CORPORATION LTD. & ORS Respondents

Advocates who appeared in this case:

For the Petitioner : Brig. M.L. Khattar and Mr. Rakesh Dahiya, Advocates

For the Respondent : Mr. Paramjeet K. Benipal, Adv.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

22.03.2017

SANJEEV SACHDEVA, J. (ORAL)

CM No. 11299/2017 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 2608/2017 & CM No. 11298/2017

1. The petitioner seeks a quashing of letter dated 18.03.2015 and also seeks waiver of the remaining period of one year out of three years of placing the petitioner in holiday list vide order dated 18.03.2015.

2. Learned counsel for the petitioner submits that the petitioner would be satisfied in case the respondents were to consider reducing the period of debarment and waiving the period of remaining one year as imposed vide order dated 18.03.2015.

3. In view of the judgment of the Supreme Court in **M/s Kulja Industries Ltd. Vs. Chief Gen. Manager W.T. Proj. BSNL & Ors.,** (2014) 14 SCC 731 the Supreme Court has held that with regard to the period of blacklisting, the court ought not to itself determine the time period but remit the matter to the authority to do so having regard to the attendant facts and circumstances.

4. In view of the above, the petitioner is granted liberty to file a representation with the respondents requesting for waiver of the remaining period of one year.

5. The representation be filed within a period of one week. On such a representation being filed, the respondents shall consider the same in accordance with law expeditiously preferably within a period of three weeks. The respondents would also afford an opportunity to

the petitioner to appear either personally or through an authorized representative to make submissions in support of his representation.

6. It is clarified that this court has not expressed any opinion on the merits of the contentions of the petitioner seeking waiver and the authorities are at liberty to consider the same in accordance with law without being influenced by anything stated in this order.

7. The writ petition is disposed of in the above terms.

8. Copy of order be given *Dasti* under signatures of the Court Master.

MARCH 22, 2017
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SANJEEV SACHDEVA, J