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

% **Judgment delivered on: 31.05.2017**

+ W.P.(C) 4912/2017 C M. No.21276/2017.

SYBEX SUPPORT SERVICES (P) LTD Petitioner

versus

UNION OF INDIA Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Amit Anand Tiwari and Ms. Vishakha, Advs.

For the Respondents : Mr. Ripu Dhamn Bhardwaj, CGSC with Mr. Ramesh Chand, Assistant Director (N) for R-1/UOI

Mr. Shadan Farasat, Mr. Ahmed Sai, Ms. Rudrakshi Deo, Adv. with Mr. Kishan Kumar, Patwari

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT
31.05.2017

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner, *inter-alia*, seeks quashing of letter dated 05.12.2016 (incorrectly typed as 05.12.2017 in the prayer clause) as also the letter dated 09.12.2016 terminating the contract of the petitioner.

2. Learned counsel for the petitioner submits that in so far as relief of termination of contract is concerned, he seeks liberty to withdraw

the petition and reserves his right to take appropriate remedies in law.

3. In view of the above, the writ petition, to the extent, it challenges letter dated 05.12.2017 is dismissed as withdrawn with liberty as prayed for.

4. The petitioner also impugns the letter dated 05.12.2016 whereby the petitioner has been blacklisted.

5. Learned counsel for the petitioner submits that no show cause notice or an opportunity of hearing was granted to the petitioner prior to blacklisting the petitioner and passing the impugned order dated 05.12.2016.

6. Learned counsel for the respondent admits that no show cause notice was given to the petitioner or an opportunity of hearing was granted to the petitioner prior to passing of order dated 05.12.2016.

7. It is a settled proposition of law that blacklisting amounts to virtual civil death of a party and prior to passing an order of blacklisting/debarring, a show cause notice is required to be given putting the party to notice that party is likely to be blacklisted. Further an opportunity of hearing is granted to the petitioner.

8. admittedly, neither any show cause notice nor any opportunity of hearing was granted to the petitioner. On this technical ground alone, the impugned order dated 05.12.2016 blacklisting the petitioner is vitiated.

9. In view of the above, the order dated 05.12.2016 blacklisting the petitioner is quashed. The respondents are granted liberty to issue a show cause notice and also grant an opportunity of hearing to the petitioner prior to passing any appropriate order.

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

11. It is clarified that this court has neither examined nor commented upon the merits of the contention of either party and the respondents would be at liberty to consider the defence of the petitioner, without being influenced by anything stated herein.

12. It is further clarified that the petitioner would be at liberty to take all remedies, as available in law, in case the petitioner is aggrieved by any further order to be passed by the respondent.

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

SANJEEV SACHDEVA, J

MAY 31, 2017

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