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

+ W.P.(C) 6029/2017

ASIAN CARGO MOVERS

..... Petitioner

Through: Mr Ravi Gupta, Senior Advocate with
Mr Ujjwal K. Jha, Advocate.

versus

CONTAINER CORPORATION OF INDIA
LTD

..... Respondent

Through: Mr Rishi K. Awasthi, Advocate with
Mr T. R. Venkateshwaran, CM/DCT-
Okhla and Mr M. A. Alam, Adl.
Officer Legal.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **18.07.2017**

CM No.25055/2017

1. Allowed, subject to all just exceptions.

W.P.(C) 6029/2017 & CM No. 25054/2017

2. The petitioner has filed the present petition, *inter alia*, praying that the respondent be restrained from debarring the petitioner from participating in tenders invited by the respondent corporation on account of the Show Cause Notices (two in number) dated 12.07.2017 issued to the petitioner.

3. The respondent had issued the aforesaid Show Cause Notices *inter alia* alleging that the petitioner had forged certain documents to deploy three vehicles which were older than the requirement. The petitioner is yet to respond to the said Show Cause Notices. The urgency expressed by the

petitioner is that a tender that had been floated by the respondent has to be opened today. The petitioner apprehends that it would be disqualified from the aforesaid tender and, therefore, has approached this Court.

4. The learned counsel for the respondent who appears on advance notice states, on instructions of Mr T. R. Venkateshwaran, CM/DCT that the petitioner's bid stands disqualified on account of the allegations made in the Show Cause Notices dated 12.07.2017.

5. In the given circumstances, it is directed that the reply to the Show Cause Notices be filed within a period of one week from today. The same would be considered and the respondent would pass a speaking order within a period of one week, thereafter.

6. In the event, the petitioner is aggrieved by the same, the petitioner is at liberty to take such remedies as available in law.

7. In the event, the petitioner has been disqualified only on the ground of the Show Cause Notices (and no other), the respondent shall keep the said decision in abeyance and process the bids (including that of the petitioner) subject to the final decision that may be passed pursuant to the Show Cause Notices issued by the respondent.

8. The petition is disposed of with the aforesaid directions. It is clarified that this court has not expressed any opinion on the allegations made against the petitioner and nothing stated herein should be construed as such.

9. Order *dasti*.

VIBHU BAKHRU, J

JULY 18, 2017/MK