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

+ W.P.(C) 8042/2017

ASIAN CARGO MOVERS

..... Petitioner

Through Mr. K. Dutta, Mr. Ujjwal and Mr. Shantanu
Parashar, Advocates.

versus

CONTAINER CORPORATION OF INDIA LTD Respondent

Through Mr. Rishi K. Awasthi and Mr. Kabir Ghose,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **18.09.2017**

CM Appln. No.34224/2017 (Early Hearing)

1. This is an application for early hearing.
2. For the reasons stated in the application, the same is allowed. The petition is taken up.

WP(C) No.8042/2017

3. The petitioner has impugned the order dated 20.08.2017, whereby the Container Corporation of India Ltd. (hereafter 'CONCOR') has terminated the contract awarded to the petitioner and, has decided to award the same to another contractor at the risk and costs of the petitioner.
4. The principal allegation against the petitioner is that during the course of the contract, the petitioner had submitted two registration certificates showing different year of manufacture of the same vehicle and, thus,

CONCOR had concluded that the petitioner was guilty of submitting a forged document.

5. The only explanation given by Mr. Dutta, learned counsel appearing for the petitioner, is that the registration certificates pertained to unencumbered vehicles, which the petitioner had hired. *Prima facie*, the said explanation is not persuasive.

6. In addition, Mr. Dutta has raised another grievance that the petitioner is not being permitted to participate in other tenders invited by CONCOR even though there are no orders debarring the petitioner from participating in such tenders.

7. The learned counsel appearing for CONCOR submits that a decision for debarring the petitioner from future dealings with CONCOR is still pending consideration.

8. It is obvious that the petitioner cannot be prevented from participating in the tender without the CONCOR taking any definite decision in this regard. Accordingly, the respondent (CONCOR) is directed to take a decision in this regard. In the meanwhile, the petitioner cannot be debarred or excluded from participating in tenders invited by CONCOR.

9. Insofar as the petitioner's grievance regarding termination of the contract and recovery of damages is concerned, the same is a matter of contract between the parties and involves disputed questions of fact. Thus, this Court does not consider it apposite to entertain such controversies in this petition. Accordingly, the petition is disposed of, leaving the petitioner to file appropriate proceedings in accordance with law.

10. It is clarified that nothing stated in this order shall prejudice the rights and contentions of either of the parties.

11. The petition and pending application are disposed of.

SEPTEMBER 18, 2017/dr

VIBHU BAKHRU, J