

\$~68

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

+ W.P. (C) 2503/2018, CM APPL.10396-10398/2018

COASTAL MARINE CONSTRUCTION & ENGINEERING
LIMITED & ANR

..... Petitioners

Through: Mr. A.J. Bhambhani, Sr. Advocate with
Mr. Aditya Verma, Mr. Bimal Rajasekhar and Mr.
Ayush Bansal, Advocates.

versus

INDIAN OIL CORPORATION LTD & ANR

..... Respondents

Through: Mr. M.M. Kalra with Ms. Sonali Kumar,
Advocates for IOCL/R-1.

Mr. Kirtiman Singh, CGSC with Mr. Waize Ali
Noor, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

16.03.2018

%

1. Issue notice. Mr. M.M. Kalra accepts notice on behalf of respondent no.1 and Mr. Kirtimaan Singh accepts notice on behalf of respondent no.2.

2. The petitioner's grievance *qua* the impugned order dated 15.11.2017 is that it has been put on holiday list and debarred from entering into any contract with respondent no.2 for a period of three years from the date of the order. A perusal of the impugned order would show that the contract awarded to the petitioner on 2.6.2017 was terminated on 20.7.2017. Counsel for the petitioner says that the aspect concerning termination has not been assailed in the present

proceedings. It is the submission of the learned counsel for the petitioner that the petitioner is aggrieved by the latter part of the impugned order whereby, as indicated above, petitioner has been put on the holiday list and debarred. It is not disputed before me that an appeal has been preferred by the petitioner. I am told that the said appeal is filed with the Director (Pipelines), as indicated in the impugned order on 23.11.2017. Counsel for the petitioner says that the appeal has not been adjudicated upon till now. Inter alia, the grievance of the petitioner is that it was put on holiday list and debarred without any hearing. It is also the submission of the counsel for the petitioner that the parameters set out by the Supreme Court in *Kulja Industries Limited v. Chief General Manager, Western Telecom Project Bharat Sanchar Nigam Limited and Others*, (2014) 14 SCC 731 has not been followed while passing the impugned directions.

3. In these circumstances, the writ petition is disposed of with the directions to the Director (Pipelines), IOCL to dispose of the petitioner's appeal at the earliest and not later than four weeks from today. The petitioner's representative will also be given oral hearing. Furthermore, petitioner will also be entitled to file the written submissions. The Director (Pipelines) will pass a speaking order, a copy of which shall be furnished to the petitioner.

RAJIV SHAKDHER, J

MARCH 16, 2018

/vikas/