

\$~10

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 6870/2014 & CM 16224/2014, 11406/2017, 36625/2017**

INDICON ENTERPRISES LIMITED ..... Petitioner

Through Mr Gaurav Mitra, Mr Dhruv Kapur,  
Mr Siddharth Bhatia, Ms Rashmita Roy  
Chowdhury, Advocates.

versus

OIL AND NATURAL GAS CORPORATION  
LIMITED ..... Respondent

Through Mr Sukumar Patjoshi, Senior Advocate  
with Mr Somiran Sharma, Mr Somesh Kr Dubey,  
Advocates.

**CORAM:**  
**HON'BLE MR. JUSTICE VIBHU BAKHRU**  
**ORDER**  
% **10.01.2018**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(a) Issue a writ of certiorari or any other appropriate writ or order or direction quashing the impugned decision of the Respondent to block the Vendor Code of the Petitioner and thereby prevent the Petitioner from purchasing and/or participating in tenders floated by the Respondent;

(b) Issue a writ of mandamus or any other appropriate writ or order or direction under Article 226 of the Constitution of India, directing the Respondent to immediately unblock the Vendor Code of the Petitioners;

(c) Issue a writ of mandamus or any other appropriate writ or order or direction under Article 226 of the Constitution of

India, directing the Respondent to immediately allow and/or permit the Petitioner to purchase and/or participate in tenders including e-tenders floated by the Respondent;

(d) Issue a writ of prohibition or any other appropriate writ or order or direction under Article 226 of the Constitution of India, prohibiting the Respondent from issuing any Letter of Award or Purchase Order in respect of any existing or future without giving the Petitioner an opportunity to participate in such tender;

(e) Issue Rule Nisi in terms of prayers above;

(f) If no cause or insufficient cause be shown, the rule be made absolute.”

2. The petitioner’s grievance essentially stems from being temporarily blacklisted pending further enquiry.

3. Mr Sukumar Patjoshi, learned Senior Advocate appearing for the respondent submits that subsequent to the passing of the temporary blacklisting order, an inquiry was held and a final order of blacklisting the petitioner was passed on 02.11.2015. However, in compliance with the orders passed by this Court, the same has not been communicated to the petitioner. He further states that the respondents be permitted to serve the said order on the petitioner, while reserving the right of the petitioner to challenge the same. Further, to enable the petitioner to challenge the said order, the same may be kept in abeyance for a period of fifteen days from the date of communication of the said order. Mr Mitra, the learned counsel appearing for the petitioner does concur to the said course of action.

4. In view of the above, the respondent is permitted to communicate the

final order of blacklisting to the petitioner within a period of one week. However, the same would be kept in abeyance for a further period of fifteen days from the date of communication to enable the petitioner to assail the same in accordance with law.

5. In view of the aforesaid directions, the counsel for the petitioner seeks to withdraw the present petition with liberty to file a fresh petition, *inter alia*, assailing the final order of blacklisting.

6. The petition is dismissed as withdrawn with the aforesaid liberty. The pending applications are disposed of.

7. It is clarified that all contentions of the parties are reserved.

**VIBHU BAKHRU, J**

**JANUARY 10, 2018**

pkv