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

+ W.P. (C) 9853/2018

M/S EPTISA SERVICIOS DE INGENIERIA S.L.. Petitioner

Through Ms. Bina Madhavan, Mr. S. Udaya
Kumar Sagar & Ms. Akanksha Mehra, Advocates.

versus

NATIONAL HIGHWAYS AND INFRASTRUCTURE

DEVELOPMENT CORPORATION LIMITED Respondent

Through Ms. Deepa Sinha, Mr. Akash Singh &
Mr. Akhil Aggarwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **18.09.2018**

CM No. 38407/2018

Exemption application is allowed, subject to all just exceptions.

W.P. (C) No. 9853/2018

The petitioner, who was awarded contract for consultancy services for Authority Engineer for (i) 2 laning of existing Hunli-Anini road on EPC basis from design Km 21.500 to Km 37.500 (ii) 2 laning of existing Hunli-Anini road on EPC basis from design Km 37.500 to Km 53.500 and (iii) 2 laning of existing Hunli-Anini road on EPC basis from design KM 53.500 to Km 92.500 in the state of Arunachal Pradesh under SARDP-NE, has impugned the cancellation letter dated 27th August, 2018 issued by National Highways and Infrastructure Development Corporation Limited. The petitioner has also impugned notice inviting tender dated 4th September,

2018 pursuant to the aforesaid cancellation.

2. Counsel for the writ petitioner has referred to and relied upon terms of the contract and alleges violation and breach of the stipulations and terms.

3. We are not inclined to go into and examine these aspects in the present writ petition as the petitioner has adequate and efficacious alternative remedy by way of civil suit or arbitration proceedings. The dispute relates to contractual obligations. It would be, therefore, appropriate for the petitioner to take recourse to ordinary civil remedy and not to invoke extraordinary writ jurisdiction.

4. At this stage, learned counsel for the petitioner submits that the petitioner has been debarred from participating in other contracts as a result of a default clause. She submits that the petitioner cannot be debarred in view of the decision of this Court in Writ Petition (C) No. 10854/2017, ***Atlanta Limited versus Union of India and Another***. She states that the petitioner should not be barred and prohibited from filing a fresh writ petition impugning the clause relating to debarment. We clarify that this order would not bar or prohibit the petitioner from filing a writ petition challenging the debarment order/direction.

5. Recording the aforesaid, the present writ petition is dismissed and not entertained, without commenting on merits.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

SEPTEMBER 18, 2018
VKR/2