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

+ LPA 768/2017 & CM Nos.43965-43968/2017 & 62/2018

TECHNOCRATS ADVISORY SERVICES PVT LTD

..... Appellant

Through: Mr. Rajat Kumar with
Mr. Sashidhar. S, Advs.

versus

L N MALVIYA INFRA PROJECTS PVT LTD & ANR

..... Respondents

Through: Mr. Arvind Nayar, Sr. Adv. with
Mr. Sushant Kumar, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **09.01.2018**

CM Nos.43965/2017 (*condonation of delay*)

For the reasons stated in the application, delay in filing the appeal is condoned.

Application stands disposed of.

LPA 768/2017 & CM Nos.43966-43968/2017 & 62/2018

1. We have heard the learned counsel for the parties. The appellant is aggrieved by certain observations made by the learned Single Judge with respect to the certificate issued by the M.P. Road Development Corporation Ltd. *vis-a-vis* a contract awarded to it, and its satisfactory performance.

2. The learned Single Judge was concerned with the dispute with respect to the certificate awarded by the M.P. Road Development Corporation Ltd. and a certificate for satisfactory performance claimed by M/s L.N. Malviya Infra Projects Pvt. Ltd. (hereafter referred to as 'Malviya'). The latter i.e. Malviya, was aggrieved by the order dated 28.03.2017 made by the National Highways Authority of India (NHAI) debarring it and M.C. Consulting Engineers Ltd., for three years from directly participating in any of its works or tenders. The record would indicate that the petition was preferred by Malviya. The present appellant, Technocrats Advisory Services Pvt. Ltd. (hereafter referred to as 'TASPL') is a de-merged entity of the M.C. Consulting Engineers Pvt. Ltd. It was not, in any manner, implicated nor had it challenged the debarment order, in the first instance. Apparently, it has impugned the experience certificate issued by the M.P. Road Development Corporation Ltd. The discussion in the impugned order primarily was concerned with the challenge by Malviya with respect to its debarment. As such, the adverse observations made with respect to the certificate issued by the M.P. Road Development Corporation Ltd. to M.C. Consulting Engineers Ltd. and subsequently, succeeded to by the TASPL, in the opinion of the Court, was not warranted. It cannot be treated as conclusive or in any manner decisive to TASPL's rights.

3. In these circumstances, the Court is of the opinion that the factual narrative in the impugned order – to the extent it records

observations/facts in Paras 27 and 40 to 44, cannot be and are not binding upon the present appellant TASPL.

LPA No.768/2017 is allowed in the above terms. All the pending applications stand disposed of.

Order dasti.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

JANUARY 09, 2018
kks