

\$~57

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

+ **W.P.(C) 13631/2018**

FEPL ENGG (P) LTD.

..... Petitioner

Through Mr Rajesh Sharda, Ms Pushpanjali,
Advocates.

versus

INDIAN OIL CORPORATION LTD.

..... Respondent

Through Mr S.Sirish Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

17.12.2018

1. Issue notice. The learned counsel appearing for the respondent accepts notice.
2. The petitioner has filed the present petition impugning the communication dated 16.08.2017 whereby the petitioner has been placed on a "holiday list" and debarred from entering into any contract with the respondent for a period of three years effective from the said date.
3. There are certain allegations against the petitioner with regard to its performance of the contract for setting up of solar power system. The petitioner was issued a show cause notice dated 06.03.2017 and the petitioner had responded to the same on 14.03.2017.
4. The learned counsel appearing for the petitioner had referred to the said response and submitted that all the allegations made in the show cause

notice were responded to. The learned counsel appearing for the respondent contends that the explanations provided by the petitioner were unsustainable and were wholly unsatisfactory and could not be accepted.

5. Without going into the aforesaid controversy, it is apparent that the impugned order does not deal with any of the explanations provided by the petitioner. It is well settled that an order of blacklisting has serious adverse consequences for the person being blacklisted. It was, thus, necessary for the respondents to briefly indicate the reasons why the explanations provided by the petitioner were found to be unsatisfactory.

6. In view of the above, the impugned order is set aside. The respondents are at liberty to re-examine the petitioner's explanations and pass an appropriate order.

7. It is clarified that this Court has not expressed any opinion on the merits of the allegations made against the petitioner and nothing stated in this order may be construed as such.

8. The petition is disposed of with the aforesaid terms.

VIBHU BAKHRU, J

DECEMBER 17, 2018

pkv