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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1404/2019 and CM Nos. 6408/2019 & 6409/2019**
NAVDURGA BUILDERS & ANR Petitioners

Through: Mr Abhinav Tathagat, Advocate.

versus

UNION OF INDIA & ANR Respondents

Through: Ms Monika Arora, CGSC with Mr
Abhishek Chaudhary, GP with Mr
Harsh Ahuja and Mr Kushal Kumar,
Advocates for UOI.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
ORDER
% **19.07.2019**

1. The petitioners have filed the present petition, *inter alia*, impugning an order dated 14.06.2016 and a subsequent order dated 08.09.2016. By the impugned order dated 14.06.2016, the petitioner was barred from participating in any contract with the respondents for an indefinite period. Consequent to the said order, the petitioner's name was removed from the list of approved contractors.
2. The said punitive measure was taken against the petitioners, essentially, on two grounds. First, that the petitioner had submitted a false declaration that it had no sister concern and second, that Mr Chetan Tyagi had misbehaved with the concerned officer.

3. The petitioner has rendered his explanation and disputes the legality of the punitive action taken against it.

4. It is seen that the petitioners have already suffered punishment for a period of three years. It is settled law that a contractor cannot be barred indefinitely. In ***Kulja Industries Ltd. v. Chief General Manager, Western Telecom Project BSNL & Ors.: AIR 2014 SC 9***, the Supreme Court had observed as under:-

“25. Suffice it to say that “debarment” is recognised and often used as an effective method for disciplining deviant suppliers/contractors who may have committed acts of omission and commission or frauds including misrepresentations, falsification of records and other breaches of the regulations under which such contracts were allotted. What is notable is that the “debarment” is never permanent and the period of debarment would invariably depend upon the nature of the offence committed by the erring contractor.”

5. In view of the aforesaid authoritative decision and considering the fact that the petitioners have already suffered punishment for a period of three years, this court considers it apposite to set aside the impugned order without entering into the controversy relating to the allegations made against the petitioner. The impugned order dated 14.06.2016 is, accordingly, set aside. The order dated 08.09.2016 removing the petitioners from the list of approved contractors is also set aside. The petitioners' name would be restored in the list of approved contractors subject to the petitioner complying with the necessary criteria.

6. The petition is disposed of in the aforesaid terms. All pending

applications are also disposed of.

JULY 19, 2019
RK

VIBHU BAKHRU, J