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

+ **W.P.(C) 7979/2019**

CENTURION LABORATORIES PVT LTD Petitioner

Through: Mr Sachin Dutta, Sr. Advocate with
Mr Bishwajit Singh, Advocate.

versus

**CENTRAL MEDICAL SERVICE SOCIETY
& ANR**

..... Respondents

Through: Mr Rishi Kant Singh and Mr Ripu
Daman Bhardwaj, for R-2/UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.07.2019

CM No.33161/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 7979/2019 & CM No.33160/2019

2. Issue notice. The learned counsel appearing for the respondents accepts notice.

3. The petitioner has filed the present petition, *inter alia*, impugning an order dated 23.02.2018 passed by respondent no.1 (Central Medical Service Society) debarring the petitioner from participating in any tender or contract with respondent no.1 for a period of two years from the said date. Mr Dutta, learned senior counsel appearing for the petitioner states that the said order was passed as respondent no.1 had found that in one of the tenders floated

by it, the petitioner had submitted a forged document. This was discovered by the respondents on verification with the concerned authorities (Food and Drug Control Administrative, Gujarat), which had purportedly issued the document.

4. Admittedly, the petitioner was given a show cause notice and the petitioner had responded to the same.

5. Mr Dutta submits that there are certain mitigating circumstances that were not urged as no hearing was provided. He states that the petitioner would be satisfied if an *ex post facto* hearing is afforded to the petitioner in order to enable the petitioner to persuade the respondents that (a) the petitioner had no role in submitting the forged documents and the same was done by a delinquent employee, who has since been removed from the services; (b) that the petitioner was otherwise qualified and had the correct documents in its possession, which ought to have been submitted to the respondents at the material time; and (c) that the punishment imposed on the petitioner in these mitigating circumstances is disproportionate.

6. The learned counsel appearing for the respondents also states that there can be no objection for granting a hearing provided that the impugned order is not interfered with by this Court.

7. In view of the above, the petition is disposed of by directing the respondents to afford the petitioner an opportunity of being heard within a period of two weeks from today and to consider the petitioner's representation. It is further clarified that if the respondents are of the view that the impugned order is required to be reviewed or the punishment ought to be reduced; the impugned order will not come in their way to pass such

order.

8. The petition is disposed of in the aforesaid terms. The pending application is also disposed of.

9. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JULY 24, 2019
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