

\$~13

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

+ **W.P.(C) 1144/2018**

L. N. MALVIYA INFRA PROJECTS PVT.
LTD.

..... Petitioner

Through Ms Nandadevi Deka, Ms Mallika
Kamal, Advocates.

versus

NATIONAL HIGHWAY AUTHORITY OF
INDIA

..... Respondent

Through Mr Kritika Shukla, Mr shubham
Satena, Advocates for NHAI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
21.02.2019

%

1. The petitioner has filed the present petition, *inter alia*, praying as under :-

“Issue a writ in the nature of mandamus directing the Respondent Authority to consider issuing letter of award/execute contract document in favour of the Petitioner in respect of the aforementioned projects wherein the Petitioner has been found to be/declared as the successful bidder, or in the alternative.

(b) Issue a writ in the nature of Mandamus directing the Respondent Authority to consider the petitioner's representation for granting letter of award and/or execute contract agreements in favour of the Petitioner in respect of all those projects wherein the Petitioner has been found to be/declared as the HI bidder and has also been issued letter of acceptance.”

2. The petitioner was blacklisted by an order dated 28.03.2017 and was, thus, debarred from participating in any tenders issued by the National Highway Authority of India (NHAI). The said blacklisting order was impugned by the petitioner in a writ petition bearing number ***W.P. (C) 3326/2017*** captioned ***L N Malviya Infra Projects Pvt. Ltd. v. National Highways Authority of India and Anr.*** The petitioner prevailed in the said petition, and the order dated 28.03.2017 blacklisting the petitioner was set aside by a judgment dated 08.08.2017. This Court is informed that the said judgment was carried in appeal (LPA No. 660/2017) by NHAI before the Division Bench of this Court, however, the same was not interfered with. Thereafter, NHAI preferred a Special Leave Petition before the Supreme Court, which was also rejected. Undisputedly, the

3. During the interregnum period, the petitioner participated in tenders invited by NHAI. However, the same were not processed by NHAI since the issue whether the petitioner was disentitled to participate in the said tenders on account of being blacklisted was pending adjudication before the Court. The petitioner now claims that since the order of blacklisting the petitioner has been set aside, the consequential benefits must follow and the tenders/bids submitted by the petitioner should be considered.

4. The learned counsel appearing for NHAI submits that the Executive Committee is considering the petitioner's representation in this regard and shall take a decision shortly. In this view, the present petition is disposed of by directing NHAI to consider the petitioner's

representation and take an informed decision as expeditiously as possible and, in any event, within a period of four weeks from today. The same would also be communicated immediately thereafter.

5. The petition is disposed of with the aforesaid directions.

VIBHU BAKHRU,J

FEBRUARY 21, 2019/pkv