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

+ **W.P.(C) 9074/2019**

CARETEL INFOTECH LTD.

..... Petitioner

Through: Mr Sudhir Nandrajog, Sr. Advocate
with Ms Vibha Mahajan Seth and Mr
Sanjeev Sagar, Advocates.

versus

NATIONAL INFORMATICS CENTRE SERVICES
INC.

..... Respondent

Through: Mr Ranjan Mozumdar, Advocate for
R-1/NICSI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **22.08.2019**

CM No.37482/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 9074/2019 & CM No. 37481/2019

3. Issue notice. The learned counsel appearing for the respondent accepts notice.
4. The petitioner has filed the present petition, *inter alia*, praying that the respondent be directed to take a decision on its extension of the petitioner's empanelment, which comes to an end on 24.08.2019. It is the petitioner's case that by virtue of the said empanelment, the petitioner has also been awarded several contracts which are under execution. It is stated that if the empanelment is not extended, the petitioner would have to terminate the said contracts, which would render several of its employees jobless.

5. Apparently, the petitioner's empanelment with the respondent is not being extended on account of the petitioner being blacklisted by Ministry of Agriculture Cooperation & Farmer Welfare.

6. Mr Nandrajog, learned senior counsel appearing for the petitioner, referred to a show cause notice dated 02.08.2018, seeking certain clarifications, with regard to the petitioner being blacklisted by the Department of Agriculture Cooperation & Farmers Welfare, Ministry of Agriculture & Farmer Welfare, by an order dated 22.02.2018. He states that the petitioner had duly replied to the said show cause notice and had pointed out that the petitioner had been blacklisted for technical reasons and the petitioner was contesting the said order. Mr Nandrajog further submits that there has been no complaint against the petitioner in respect of any of the contracts being executed pursuant to the empanelment granted by the respondent. He also states that there is no condition, which stipulates that the petitioner would be in-eligible for extension of empanelment with the respondent if backlisted by another agency/entity.

7. It is apparent from the above that not granting extension of the empanelment would have serious adverse consequences on the petitioner. Thus it is essential for the respondent to take an informed decision in this regard, after affording the petitioner an opportunity to be heard.

8. In this view, the respondent is directed to take a decision as to the extension of petitioner's empanelment with it as expeditiously as possible and preferably, within a period of eight weeks from today.

9. In the meantime, the contracts being executed by the petitioner shall not be terminated on account of termination of petitioner's empanelment with the respondent.

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

VIBHU BAKHRU, J

AUGUST 22, 2019

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