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

+ **W.P.(C) 180/2020 & CM APPL. 541/2020**

SATVAT INFOSOL PRIVATE LIMITED & ANR Petitioners

Through: Mr. Aditya Chatterjee, Advocate.
(M:7337844424)

versus

NATIONAL TESTING AGENCY Respondent

Through: Ms. Manisha Singh, Ms. Seema Dolo
and Mr. Amit Bansal, Advocates.
(M:9810072413)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **14.01.2020**

1. The present petition challenges the impugned order dated 24th October, 2019 passed by the Respondent - National Testing Agency (“NTA”). By the said order, the NTA had forfeited the Petitioner’s earnest money deposit of Rs. 5 lakhs, and has also blacklisted and banned the Petitioner from NTA tenders for a period of three years.
2. A tender was floated by the NTA on 7th September, 2019 for selection of Service Providers for mock tests at National Test Centres/ Test Practise Centres. The Petitioner was one of the bidders in the said tender. The Petitioner had given a self-declaration on 27th September, 2019 stating that it had not been blacklisted by any Government Department or PSU. The NTA thereafter found that the ONGC had in fact blacklisted the Petitioner and accordingly held that the Petitioner was guilty of concealment and misrepresentation, and accordingly issued the impugned order.
3. It is the case of the Petitioner that on the date when the self-declaration was made i.e., 27th September, 2019, the order of ONGC dated 13th September, 2019 had not been received by the Petitioner, hence the

declaration was not false. It is submitted that the ONGC order dated 13th September 2019 was passed with retrospective effect from 3rd April, 2019 but was received only on 30th September, 2019 by the Petitioner. The grievance of the Petitioner is that the impugned order has been passed without hearing the Petitioner, and in any event the Petitioner is entitled to explain its stand before the NTA. Ld. counsel for the Petitioner submits that his client has also filed a response dated 15th November 2019, to the NTA explaining the position.

4. On behalf of the NTA, ld. counsel submits that a letter dated 2nd January, 2020 has been issued and the Petitioner has been asked to submit documentary proof of the statements made in letter dated 15th November, 2019 written by the Petitioner to NTA. Accordingly, it is submitted that the NTA is considering the matter.

5. In the overall facts and circumstances, keeping in mind that the NTA is reconsidering the matter, which is clear from letter dated 2nd January, 2020, the impugned order is set aside only on the ground that the Petitioner was not heard. The NTA is free to pass appropriate orders on merits after considering the representation the Petitioner dated 15th November, 2019, response to the letter dated 2nd January, 2020 and after affording a hearing to the Petitioner. This Court has not rendered any opinion on the merits of the issue.

6. With these observations, the petition and all pending applications are disposed of.

7. *Dasti* under signatures of the Court Master.

PRATHIBA M. SINGH, J

JANUARY 14, 2020/dj