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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6046/2020**
M/S PHOENIX CONSTRUCTIONS & ANR. Petitioners
Through: Mr.Mukesh Mohan Goyal, Adv.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD
..... Respondent
Through: Ms.Mini Pushkarna, SC with
Ms.Khushboo Nahar, Ms.Latika
Malhotra, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **07.09.2020**

This hearing has been held by video conferencing.

CM 21746/2020(Exemption from filing notarized affidavit and dim annexures)

1. This application has been filed seeking exemption from filing duly notarized affidavits and typed copies of dim annexures. Binding the deponent of the affidavit to the contents of the application, the exemption is granted.

2. Application is disposed of.

WP(C) 6046/2020 & CM 21745/2020

This petition has been filed by the petitioners challenging the communication dated 11.11.2019 issued by the respondent, informing the petitioners as under:

"Chief Executive Officer (DUSIB) vide its note dated 01.11.2019 (P-

29/N) on the tender file, Name of work : EIUS Sub Head: Providing and laying cement concrete pavement in deteriorated lanes and construction of storm water drains in JJ Basti Janta Jeevan Camp, Tigri Part-II, has blacklisted your agency i.e. M/s Phoenix Constructions, J-1/97-C, Khirki Extn., Malviya Nagar, New Delhi-17 for five years for participating in all tendering process of Delhi Urban Shelter Improvement Board with immediate effect due to withdrawal of rates by you in the above mentioned work."

The learned counsel for the respondent, who appears on an advance notice, does not dispute the fact that before passing the order of blacklisting, no Show Cause Notice was issued to the petitioners nor any opportunity of hearing was granted to the petitioners.

This being a clear violation of the Principles of Natural Justice, which have been mandated by the Supreme Court to be followed before passing an order of blacklisting of a contractor, the Impugned Order/communication is set aside, leaving it open to the respondent to issue a Show Cause Notice to the petitioners, if so advised, and proceed in accordance with law.

The petition is allowed in the above terms.

It is made clear that this Court has not expressed any opinion on the other submissions made by the petitioners in the present petition.

NAVIN CHAWLA, J

SEPTEMBER 7, 2020

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