

\$~18

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

% Judgment delivered on: 03rd June, 2021

+ **W.P.(C) 5784/2021**

M/S EXCEL SPORTS INTERNATIONAL Petitioner

versus

**NORTH DELHI MUNICIPAL
CORPORATION & ANR.** Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Sumit Bansal, Advocate

For the Respondents: Mr. Kunal Vajani, Standing Counsel

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

CM APPLN. 18137-38/2021 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 5784/2021 & CM APPLN. 18136/2021 (stay)

1. The hearing was conducted through video conferencing.
2. Petitioner impugns order dated 31.03.2021 (allegedly received on 22.05.2021) whereby petitioner has been blacklisted for a period of

one year from participating in any tender work of SDMC.

3. Learned counsel for the petitioner, inter-alia, contends that prior to issuance of the subject order no show cause notice was given to the petitioner, putting the petitioner to notice that a possible action of blacklisting is proposed against the petitioner. It is contended that a notice dated 01.12.2020 was issued, however, the notice did not specifically state that an action of blacklisting was proposed against the petitioner.

4. Learned counsel appearing for the respondent-SDMC appearing on advance notice, on instructions of Mr. Sanjay Hingorani, Executive Engineer, Sanitary Land Fields (SLF), submits that without prejudice to the rights and contentions, impugned order dated 31.03.2021 as well as show cause notice dated 01.12.2020 be deemed to have been withdrawn, reserving the right of the Respondent to issue fresh show cause notice.

5. In view of the above, impugned order dated 31.03.2021 and show cause notice dated 01.12.2020 are set aside reserving the right of the respondent to issue a fresh show cause notice in accordance with law.

6. On receipt of the show cause notice, petitioner shall file a response thereto within one week. Thereafter respondent shall be at

liberty to pass a fresh order after giving an opportunity of personal hearing to the petitioner. Keeping in view the present prevailing situation, personal hearing may be granted over video conferencing.

7. All rights and contentions of parties are reserved.

8. The petition is disposed of in the above terms.

9. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

JUNE 3, 2021

'rs'

नित्यमेव जयते