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

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Judgment delivered on: 25.03.2022

+ W.P(C) 4730/2022 & CM APPL.14157/2022

M/S. RAPID CONSTRUCTIONS

..... Petitioner

versus

SOUTH DELHI MUNICIPAL CORPORATIONRespondent

Advocates who appeared in this case:

For the Petitioner: Mr. Mayank Goel and Mr. Nitin Goel, Advocates.

For the Respondent: Mr. Sanjay Vashishtha standing counsel for SDMC with
Rahul Kumar, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns circular dated 17.02.2022 informing the petitioner that the competent authority by order dated 03.02.2022 has decided to debar the petitioner for a period of two years from participation in any bid/tender of the respondent South Delhi Municipal Corporation.

2. Learned counsel for the petitioner submits that no show cause notice was issued to the petitioner prior to issuance of the alleged order dated 03.02.2022 or the impugned circular dated 17.02.2022. He further submits that copy of the order dated 03.02.2022 has not even



served on the petitioner.

3. Learned counsel for the respondent disputes the same.

4. Learned counsel for respondent submits that the competent authority was constrained to pass the order in view of the conduct of the petitioner.

5. He without prejudice submits that in view of the technical objection taken by the petitioner that no show cause notice was issued prior to passing of the debarment order, the competent authority has decided to revoke the debarment order reserving the right of the Corporation to issue a show cause notice to the petitioner and then to pass a fresh order in accordance with law.

6. In view of the above, the order dated 03.02.2022 and the circular dated 17.02.2022 is set aside. This would be without prejudice to the right of the respondent to issue a show cause notice to the petitioner for any alleged infraction. Respondent shall dispose of the show cause notice in accordance with law. All rights and contentions of parties are reserved.

7. It is clarified that this Court has neither considered nor commented upon the merits of the contention of either party.

SANJEEV SACHDEVA, J.

MARCH 25, 2022

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