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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 22nd December, 2022

+ **W.P.(C) 17092/2022 and CM APPL. 54238/2022, 54239/2022**
EIT SERVICES INDIA PVT LTD Petitioner

Through: Mr. Dayan Krishnan, Sr. Advocate
 with Mr. Aman Gandhi & Ms. Saloni
 Kumari Mr. Pranany Trtija,
 Advocates (M-9810526233)

versus

**UNION OF INDIA THROUGH DIRECTORATE GENERAL OF
 EMPLOYMENT AND TRAINING** Respondent

Through: Mr. Vijay Joshi with Mr. Mohit Joshi
 G.P. & Mr. Gurjas Singh Narula
 R/UIO (M-9997979363)

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The Petitioner- ETI Services India Pvt. Ltd. has filed the present petition seeking direction restraining the Respondent from blacklisting the Petitioner and releasing payments due to it. The Petitioner's predecessor company Hewlett Packard India Sales Pvt. Ltd. had entered into a Master Service Agreement dated 22nd December, 2014 with the Directorate General of Employment and training for designing, developing and maintaining the NCS portal. A work order was issued on 16th December, 2014. The Call Centre Operations Services had also commenced. The initial contract had expired on 30th September, 2020. Further, work orders extending the O&M Services and the Call Centre Operation Services were issued between 19th October, 2020 and 9th July, 2021. Some issues had arisen between the parties in respect of the payments which the Petitioner

was to receive from the Respondent.

3. Finally, however, the Respondent engaged M/s CSC E-Governance Services India Ltd. to take over the services which the Petitioner was providing. The hand-over of the entire project is stated to have been carried out by the Petitioner on 22nd June, 2022.

4. The Petitioner's grievance in this petition is that it started receiving various show-cause notices from 14th July, 2022 onwards threatening blacklisting. Replies have been submitted by the Petitioner, however, even as of 22nd August, 2022 the Petitioner has continued to receive show-cause notices and the Petitioner apprehends that the Respondent may blacklist the Petitioner.

5. The submission of Mr. Dayan Krishnan, Id. Sr. counsel is that the entire dispute has arisen due to outstanding dues which have been demanded by the Petitioner from the Respondent. It is his submission that as on date, more than Rs.18 crores are due to the Petitioner, from the Respondents which has not been paid and hence in some way, the attempt is to withhold the said payment on part of the Respondent.

6. On the other hand, Id. Counsel appearing for the Respondent submits that the hand-over was in no way connected to the poor performance of the Petitioner and since April, 2022, notices have been issued to the Respondent. The first show-cause notice was issued on 29th April, 2022, thereafter, the handover to M/s CSC E-Governance Services India Ltd has taken place. These two issues are unconnected. Further, it is the submission of the Respondent that the present writ petition is premature as it seeks a restraint order from the Respondent taking a decision *qua* blacklisting. Such a writ petition would not be maintainable.

7. Heard Id. Counsel for the parties. Admittedly, the show-cause notices have been issued to the Petitioner over a period of time and replies have also been filed by the Petitioner to the Respondent. No decision is stated to have been taken insofar as the blacklisting or the issues raised in the show-cause notices are concerned. In addition, the dues of the Petitioner are also alleged to be payable by the Respondent. In the overall facts and circumstances of this case, the following directions are issued:

- i. Considering that the Petitioner had been maintaining the portal from the last more than six years, a Senior Official/s of the Petitioner may hold a meeting with the concerned Senior officials of the Respondent in order to resolve their disputes. Such a process of conciliation by the 'Consultancy Monitoring Committee' is also contemplated in the MSA. The first meeting of the said Committee be held on **10th January, 2023**.
 - iii. If the matter is not reconciled between the parties and a decision is taken on the show-cause notices which have been issued by the Respondent to blacklist the Petitioner, in that case, the said decision would not come into effect for a period of two weeks.
8. The remedies of the Petitioner are left open. This Court has not opined on the merits of the matter. All contentions are left open.
9. With these observations the writ petition, along with all pending applications, is disposed of.

PRATHIBA M. SINGH, J

DECEMBER 22, 2022

dj/sk