



W.P.No.22832 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22832 of 2018

and W.M.P.No.26685 of 2018

NCC Limited
(formerly Nagarjuna Construction Company Limited)
NCC House,
Madhapur,
Hyderabad-500081

. . . Petitioner

Vs.

1. The Chief Engineer
Public Works Department
Central Office
34, Lal Bahadur Shastri Street,
Puducherry-605 001.
2. The Executive Engineer,
Public Works Department
Yanam Division,
Puducherry-533 464.
3. The Director General of Works
Central Public Works Department
Nirman Bhawan, New Delhi-110 011.

. . . Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari or any other appropriate writ, order or direction of like nature, calling for the records, leading to the order dated 16.07.2018 vide no.1040/PW/CE/EE(P)/AE(P)2/F.No.1-(09-10)-WB/2018-19, passed by the 1st respondent and quash the same.

For Petitioner	: M/s.Dominic S.David
For Respondents	: Ms.Sharada Vivek, Additional Government Pleader (P) for R1 & R2. : Mr.AR.L.Sundaresan, Additional Solicitor General for R3.

ORDER

Aggrieved by the impugned order of the 1st respondent, the petitioner is before this Court.

2. The Petitioner is a leading civil construction and infrastructure development Company awarded with a contract of constructing water treatment plants pursuant to the tender called for by the 2nd respondent.



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Subsequent to the completion of the said contract work, alleging that the petitioner had executed the said contract work through sub contractors, the 1st respondent issued show cause notice dated 10.02.2011 to the petitioner calling as to why the petitioner shall not be blacklisted from participating in the tenders for a period of three years for the alleged offence. Though sufficient reply was given by the petitioner to the said notice, the 1st respondent without any communication/intimation to the petitioner had published the impugned notice dated 26.12.2011 proposing to blacklist the petitioner and some other entities. Challenging the same, the petitioner filed a Writ Petition in W.P.No.455 of 2012 which was dismissed as infructuous vide order dated 17.02.2017 against which, the petitioner filed a Review Application No.53 of 2017 wherein the blacklisting order was quashed by this Court vide order dated 13.12.2017. While so, the 1st respondent has passed the present impugned order dated 16.07.2018 blacklisting the petitioner from participating in the tenders for a period of three years from 26.12.2011 to 25.12.2014. Challenging the same, the petitioner is before this Court.

3. When the matter is taken up, learned Additional Solicitor General



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appearing on behalf of the 3rd respondent submitted that the blacklisting period was over and there is no bar for the petitioner to participate in future tender. Hence, this Court may grant liberty to the petitioner to participate in future tenders, if any notified.

4. Recording the same, nothing survives for further adjudication in this matter, this Writ Petition stands disposed of granting liberty to the petitioner to participate in the future tenders, if any notified by the respondents. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

09.06.2023

Index : Yes / No
Internet : Yes / No

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M.DHANDAPANI, J

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