

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. 1038 of 2023 (O&M)

Date of Decision: 18.01.2023

Tractebel Engineering Pvt. Ltd. & anotherPetitioners

versus

National Hydroelectric Power Corporation Ltd.Respondents

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present : Mr. Akshay Bhan, Senior Advocate with
Mr. A.S.Talwar, Advocate,
Mr. Abhijeet Singh Rawaley, Advocate and
Mr. Anuj Berry, Advocate, for the petitioners.

Mr. S.P.Jain, Addl. Solicitor General of India with
Mr. Suvir Kumar, Advocate, for the respondent.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

This petition has been filed by the petitioner-companies being aggrieved by the show cause notice dated 16.01.2023 (Annexure P-1) issued by the respondents to show cause as to why the business dealings with the petitioners should not be banned and debarred from entering into any contracts with the respondent. It is stated that by an order dated 02.12.2022 both the petitioner companies were suspended by the respondent-authorities from doing business dealings with the respondent under Clause 3.2 of the qualification criteria contained in the bidding document. It is informed that the order of suspension dated 02.12.2022 was stayed by this Court vide order dated 20.12.2022 passed in another Civil Writ Petition No. 29376 of 2022 filed by one of the petitioner on account of the fact that the aforesaid order had been passed without issuing any show cause notice. And vide an order of even date passed in Civil Writ Petition Nos. 29376 of 2022 and 718 of 2023 filed individually by the petitioners, the order of suspension dated

02.12.2022 has been declared *nonest* and those petitions have since been disposed of.

We have heard learned senior counsel for both the parties at length.

It is informed and stated by learned senior counsel appearing for the respondent that the respondent-authorities have issued the impugned show cause notice to both the petitioner companies on 16.01.2023 giving them 15 days time to file reply as to why action for banning may not be taken.

Learned Senior Counsel appearing for the respondents submits that the respondent-authorities would into consideration the reply that is to be filed by the petitioners and after affording an opportunity of hearing shall take a decision thereafter by passing a reasoned order in accordance with law. It is clarified that the respondent is a central agency and has no bias or *mala-fide* against the petitioner-companies or any other company and the authorities will take a decision taking all the facts and facets into consideration free from any kind of prejudice.

Learned senior counsel appearing for the petitioners submits that both the petitioner-companies would file a detailed reply to the impugned show cause notice issued by the respondents and would also avail opportunity of personal hearing granted to them.

Having heard learned senior counsel for the parties at length and in view of the aforesaid facts and circumstances, the present petition is disposed of by observing that both the petitioner-companies shall be granted an opportunity to submit reply to the said show cause notice dated 16.01.2023 issued by the authorities and upon affording an opportunity of personal hearing to the petitioners, a reasoned/speaking order shall be passed and communicated to the petitioners.

Learned senior counsel for the parties are ad-idem that in case any adverse order is passed by the authorities against the petitioners, they shall be at liberty to avail the remedy of appeal or other remedies admissible in law.

In view of the aforesaid observations and directions made by this Court, the present petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

18.01.2023
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√