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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 11th May, 2023

+ W.P.(C) 5751/2023 and CM APPL. 22525/2023

SARVESH SECURITY SERVICES PVT. LTD. THROUGH ITS
AUTHORIZED SIGNATORY COL. RETD.

SNP SINGH

..... Petitioner

Through: Mr. Arjun Mitra & Ms. Sneha
Singh, Advocates (M:
9810412737).

versus

GOVERNMENT E MARKET GEM

..... Respondent

Through: Mr Shailendra Sharma, Advocate
(M: 9810266976).

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh J. (Oral)

1. This hearing has been done through hybrid mode.
2. In the present petition, the Petitioner-Sarvesh Security Services Pvt. Ltd. has challenged the suspension of his account in April 2023 on the GeM Portal.
3. The case of the Petitioner is that though the notice dated 27th March 2023 alleging incorrect LIN supplied by the Petitioner was issued to the Petitioner and the reply dated 6th April 2023 was sent by the Petitioner, no hearing was given.
4. The grievance of the Petitioner is that no proper or detailed order suspending the Petitioner has been passed. Further, no fair chance of hearing has been given to the Petitioner. The Petitioner's access to the GeM portal has been suspended resulting in suspension of its business on the

portal.

5. A copy of the order which is stated to have been sent through email to the Petitioner was handed over to the Id. Counsel for the Petitioner on the last date of hearing. The said order reads as under:-

“ GeM Helpdesk

Dear Sir/Maam,

This is to inform you that while validating the documents submitted by you for registration at GeM Portal, it was found that one of the two LIN numbers submitted by you did not belong to you and further, the screenshot of Shram Suvidha website containing two LIN numbers submitted by you was also tampered/edited/forged. Accordingly, you were served with a show cause notice. Having failed to receive cogent justification from you for submitting a tampered screenshot and LIN numbers, appropriate action has been taken against you as per the Incident Management Policy and accordingly your account on GeM portal is being suspended for two months with effect from 17th APRIL 2023.

In case of any query or grievance, you may write to Senior Legal Manager at srmanager-legal@gem.gov.in

Regards

Gem team”

6. A perusal of the said order would show that the stand of the GeM portal is that it was found that there were two Labour Identification Number's ('LIN') which were submitted by the Petitioner and that the screenshot of the Shram Suvidha website containing the LIN numbers was tampered/forged. Hence show cause notice was issued and after perusing the reply, the Petitioner's account was suspended for two months with effect from 17th April, 2022.

7. A counter affidavit has also been placed on record which as per which

two LIN numbers have been reflected against Sarvesh Security Services Private Limited, i.e. the Petitioner.

8. Mr. Mitra, Id. Counsel for the Petitioner, on the other hand, seeks to place on record the printout of the Shram Suvidha Portal as taken on 10th May, 2023 i.e. yesterday, wherein the LIN numbers are reflected as under:-

S.NO.	ESTABLISHMENT NAME	ADDRESS	LIN
1.	Sarvesh Security Services	413, Pocket Mayur Vihar, East Delhi, Delhi -110091	1-8653-2882-6
2.	Sarvesh Security Services Pvt. Ltd.	413, Pkt-E, Mayur Vihar, Ph II, New Delhi, East Delhi, Delhi-110091	1-2021-4856-2

9. He further submits that Sarvesh Security Services is a proprietary concern of Colonel S.N.P. Singh. The case of the Petitioner is that there is a separate entity 'Sarvesh Security Services' which is a proprietary concern having LIN Number 1-8653-2882-6.

10. The Petitioner is a private limited company having LIN Number 1-2021-4856-2, there was no forgery or tampering of the LIN Numbers.

11. Certain documents relating to ESIC registration etc., have been placed before the court to prove that this proprietary concern was in existence since 2002. However, whether the intention was to register the said concern and whether the said proprietary concern had carried on any business on the GeM portal is not clear. In any event, there cannot be two concerns with almost an identical name and address with two different LIN numbers.

12. Considering the overall situation, this Court is of the view that the Petitioner may approach the GeM Portal office for carrying out the

modification of the LIN Number and details, if required. Upon the modification being carried out, the suspension shall be revoked/withdrawn and the Petitioner's account shall be reactivated on the GeM portal within a week thereafter. The petitioner shall ensure that its details are correctly reflected on the portal and any chances of confusion due to similar names and addresses is completely avoided. If required, the account of the Petitioner's proprietary concern may be removed, to maintain clarity and transparency and avoid any misuse.

13. The Petitioner may approach the GeM portal office on Monday i.e., on 15th May, 2023 and contact the official whose details shall be provided to the Id. Counsel for the Petitioner by the Id. Counsel for the Respondent who shall enable the Petitioner to do the needful.

14. The petition with all pending applications is disposed of in these terms.

PRATHIBA M. SINGH
JUDGE

MAY 11, 2023
Mr/rp