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

+ **W.P.(C) 4494/2024**

M/S HARJI ENGINEERING WORKS PRIVATE LIMITED

..... Petitioner

Through: Dr. Amit George, Mr. Sahil Garg, Mr.
Abhinav Jain and Ms. Suparna Jain,
Advocates.

versus

INDIAN OIL CORPORATION LIMITED

..... Respondent

Through: Mr. V.N. Kamra and Ms. Paramjeet
Benipal, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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22.03.2024

CM APPL. 18380/2024 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 4494/2024 & CM APPL. 18379/2024

1. The Petitioner has approached this Court with the following prayers:

“A. Allow the present Petition and thereby issue an appropriate writ, order or direction, quashing and setting aside of the Order dated 20.03.2024 passed by the Respondent i.e. Indian Oil Corporation Limited, placing the Petitioner on Holiday List and thereby debarring the Petitioner from entering into any Contract with the Respondent for a period of 6 months; and

B. Pass any such order/ direction or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.”



2. Learned Counsel appearing for the Respondent raises a preliminary objection stating that the Guidelines for Holiday Listing provides for an appeal against the Impugned Order.

3. Rule 10 of the Guidelines for Holiday Listing reads as under:

“10. Appeal against the Decision of the Competent Authority:

10.1. The "Agency" may file an appeal against the order of the "Competent Authority" Holiday listing (Banning business dealing) etc. The appeal shall be filed to "Appellate Authority". Such an appeal shall be preferred within one month from the date of receipt of the order banning business dealing, etc.

10.2. After examining the facts of the case, the Appellate Authority may pass appropriate order which shall be communicated through the concerned secretary of the Appellate Authority to the Agency, the "Competent Authority" and Nodal department for consequential changes in the system.

10.3. Appeal process may be completed within 45 days from the date of receipt of Appeal by the "Appellate Authority".

10.4. No Appeal is permitted in case an Agency is Holiday Listed (Banning of business dealing) based on Ministry's advice.”

4. Even though Rule 10 of the Guidelines postulates that an appeal can be considered and decided within 45 days, but considering the fact that the Petitioner is the lowest bidder in another tender and will lose the tender, this Court is inclined to direct the Respondent/IOCL to decide the appeal if filed



by the Petitioner on or before 26.03.2024 within a period of 10 days from the date of filing the appeal.

5. With these observations, the writ petition is disposed of, along with pending application(s), if any.

6. It is made clear that this Order has been passed because of the availability of an alternative efficacious remedy to the Petitioner.

7. It is also made clear that this Court has not made any observations on the merits of the case and the Respondent/IOCL is directed to consider the appeal filed by the Petitioner on its own merits without being influenced by the fact that the instant writ petition has been disposed of by this Court.

SUBRAMONIUM PRASAD, J

MARCH 22, 2024

S. Zakir