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

+ **W.P.(C) 4698/2024**

**INTERTEK INDIA PRIVATE LIMITED**

..... Petitioner

Through: Mr. Darpan Wadhwa, Sr. Advocate  
with Mr. Sarul Jain, Mr. Suraj Kumar,  
Mr. Rahul Garg, Advocates along  
with Mr. Saurabh Malhotra, AR.

versus

**UNION OF INDIA & ANR.**

..... Respondents

Through: Mr. Apoorv Kurup, CGSC with Ms.  
Aanchal, Advocate for R-1.  
Mr. Abhishek Goyal along with Mr.  
Amandeep Srivastava, Senior  
Manager, Law, BHEL for R-2/BHEL.

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

**02.04.2024**

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**CM APPL. 19266/2024 (Exemption)**

Allowed, subject to all just exceptions.

**W.P.(C) 4698/2024 & CM APPL. 19265/2024**

1. The Petitioner has approached this Court challenging the Order dated 23.02.2024 by which the bid of the Petitioner has been rejected by the Tender Evaluation Committee on the ground that the Petitioner has failed to give reply satisfactorily to the Show Cause Notice issued to the Petitioner as to why action should not be taken against the Petitioner for submitting unauthentic NDT certificates of a few inspection engineers along with the tender. The Impugned Order also indicates that the Petitioner has been

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suspended/blacklisted by the buyer organization for the reasons stated in the Impugned Order.

2. During the course of hearing, learned Senior Counsel appearing for the Petitioner has handed over a communication dated 27.03.2023 sent by the Respondents calling the Petitioner for a personal hearing along with relevant documents.

3. Learned Counsel appearing for the Respondent No.2, on instructions from Mr. Amandeep Srivastava, Senior Manager, Law, BHEL, states that the Impugned Order under challenge in the instant writ petition is not a Blacklisting Order and the Petitioner has not been blacklisted. He states that only the bid submitted by the Petitioner in the tender in question is not being accepted. This implies that the Petitioner has not been blacklisted and there is no impediment for the Petitioner in participating in other tenders.

4. The Respondent No.2 is directed to give the Petitioner a personal hearing on 10.04.2024 and take a decision positively within 20 days thereafter i.e., on or before 01.05.2024.

5. In view of the above, the writ petition is disposed of, along with pending application(s), if any. It is made clear that this Court has not made any observations on the merits of the case.

6. It is expected that the Respondent No.2, being an instrumentality of the State, shall decide the matter on its own merits without being influenced by the fact that the Petitioner has approached this Court by filing the instant writ petition.

**SUBRAMONIUM PRASAD, J**

**APRIL 2, 2024/S. Zakir**