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

+ **W.P.(C) 6874/2023 & CM APPL. 26842/2023**

M/S RAJKUMAR DHAKANE

.....Petitioner

Through: Mr. Akshay Sapre, Mr. Abhijeet Swaroop, Ms. Shivani Karmakar, Advocates.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA

.....Respondent

Through: Ms. Gunjan Sinha Jain, Mr. Manu Bajaj, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

06.09.2024

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1. The Petitioner impugns order dated 9th May, 2023¹ passed by Respondent whereby the Petitioner has been debarred from the list of pre-qualified bidders for a period of three months and the Petitioner's bid security for INR 95.67 lacs has also been forfeited.
2. According to the Petitioner, the impugned order is erroneous in law as it has been passed by the Respondent without issuing a prior show cause notice to the Petitioner.
3. Mr. Akshay Sapre, counsel for the Petitioner submits that as far as the forfeiture of the bid security amount is concerned, the Petitioner has no grievance. The grievance is only with respect to his debarment/removal from

¹ "Impugned order"



the pre-qualified list of bidders for a period of three months.

4. Ms. Gunjan Sinha Jain, counsel for the Respondent states that during the pendency of the present writ petition, the three months period of debarment has lapsed and the Petitioner's name was re-introduced in the list of pre-qualified bidders published on 18th August, 2023, which also continues till today as is evident from list of pre-qualified bidders as on 4th December, 2024. Copies of the said lists have also been provided to the Court. She also confirms that after the lapse of three months, the Petitioner has been participating in the bids issued by the Respondent and they have not disqualified the Petitioner from future bids on the basis of the impugned order.

5. In light of the above, the Court finds no reason to issue any further directions since the period of blacklisting is over and the Petitioner's name has already been re-introduced in the list. In order to remove any ambiguity, it is nonetheless clarified that the impugned order shall not render the Petitioner ineligible for participating in the future tenders of NHAI.

6. With the above directions, the present writ petition is disposed of along with pending application.

SANJEEV NARULA, J

SEPTEMBER 6, 2024/ab