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

+ W.P.(C) 5445/2024 & CM APPL. 22477/2024, CM APPL.
34140/2024

M/S. CREATIVE ENTREPRENEURS LLPPetitioner

Through: Dr. Anurag Kr. Agarwal, Mr. Umesh
Mishra and Mr. Prateek Agarwal,
Advocates.

versus

UNION OF INDIARespondent

Through: Mr. Nune Balraj, SPC of UOI with
Ms. Neha Sharma, GP and along with
Ms. Meghna Rao and Ms. Muskan
Jain, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **03.07.2024**

1. The present writ petition impugns order dated 03rd April, 2024 issued by the Respondent debarring the Petitioner, an enlisted contractor, from participating in tenders notified by Central Public Works Department,¹ for a period of six months operative from the date of the order.²
2. In absence of any stay, the impugned order continued to remain in force and presently, nearly three months have lapsed since its issuance.
3. Be that as it may, the short ground for debarment was that the Petitioner-firm had effected a change in its constitution before the relevant

¹ "CPWD."

² "impugned order."



authority due to cessation of its two partners, without prior approval from the enlistment authority of the CPWD.

4. The Petitioner submits that due to disputes *inter se* the partners, prior approval of the enlistment authority could not be obtained. Nonetheless, during the pendency of the present petition, in terms of order dated 06th May, 2024, the Petitioner applied to CPWD for their approval to the change in Petitioner's constitution, which has been considered and allowed by the Respondent. A copy of the approval order dated 16th May, 2024 has been furnished on record along with CM APPL. 34140/2024.

5. The above development has been confirmed by counsel for Respondent, who states that the application was considered and permitted under the court orders.

6. In view of the above, since the Petitioner's request for change of constitution has been allowed post-facto, in the opinion of the Court, the impugned order dated 03rd April, 2024 cannot sustain. Accordingly, the same is set aside.

7. With the above directions, the present petition is disposed of, along with pending applications.

SANJEEV NARULA, J

JULY 3, 2024

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