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

+ **W.P.(C) 7147/2024**

CLOUD4C SERVICES PRIVATE LIMITED Petitioner

Through: Mr. Krishnan Venugopal, Sr.
Advocate with Mr. Uday N. Tiwary,
Mr. Krishnan Agarwal, Advocates.

versus

ENERGY EFFICIENCY SERVICES LIMITED & ANR.

..... Respondents

Through: Mr. Tushar Jain, Ms. Kanika Gupta
and Mr. Ramesh Sharma, Advocates.

+ **W.P.(C) 7148/2024**

CTRLS DATACENTERS LIMITED Petitioner

Through: Mr. Jayant Bhushan, Mr. Uday N.
Tiwary, Mr. Jeevan B. Panda, Mr.
Satish, Mr. Akshat Tiwary, Mr.
Gaurav Sharma, Ms. Dhriti Mehta,
Mr. Amritya Bhushan, Mr. Yojit
Mehra and Mr. Rishabh Jetly,
Advocates.

versus

ENERGY EFFICIENCY SERVICES LIMITED & ANR.

..... Respondents

Through: Mr. Tushar Jain, Ms. Kanika Gupta
and Mr. Ramesh Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

17.05.2024

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CM APPL. 29774/2024 (Exemption) in W.P.(C) 7147/2024

CM APPL. 29776/2024 (Exemption) in W.P.(C) 7148/2024

Allowed, subject to all just exceptions.

W.P.(C) 7147/2024 & CM APPL. 29773/2024

W.P.(C) 7148/2024 & CM APPL. 29775/2024

1. The Petitioners have approached this Court primarily challenging the Debarment Order dated 17.01.2024 whereby the Petitioners had been debarred for a period of one year from participating in any tender of Respondent No.1, i.e., Energy Efficiency Services Limited (EESL).
2. Material on record indicates that pursuant to the Debarment Order, the Petitioner gave a representation and the representation was finally considered, and by a Communication dated 08.04.2024, the Petitioner was informed that the period of debarment has been reduced from one year to three months, i.e. from 17.01.2024 to 16.04.2024. The period of debarment was over on 16.04.2024.
3. Though the period of debarment is already over on 16.04.2024 yet the Petitioner has approached this Court challenging the Debarment Order on the ground that the Debarment Order has been passed in violation of the law laid down by the Apex Court in Gorkha Security Services v. Government (NCT of Delhi) and Ors., (2014) 9 SCC 105 and UMC Technologies Private Limited v. Food Corporation of India & Anr., 2021 (2) SCC 551.
4. Learned Counsel for Respondent No.1 very fairly states that no Show Cause Notice was given to the Petitioner prior to the Order of Debarment.
5. In view of the fact that no Show Cause Notice has been given to the Petitioner, the Impugned Debarment Order dated 17.01.2024 is set aside.
6. However, it is always open for the Respondents to issue a fresh Show



Cause Notice to the Petitioner intimating the Petitioner of the possibility of Debarment and proceed further in accordance with the law laid down by the Apex Court in Gorkha Security (supra).

7. In view of the above, the writ petitions are disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MAY 17, 2024
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