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

+ **W.P.(C) 15310/2023 & CM APPL. 61375/2023**

M/S BRIJ TEXTILES

..... Petitioner

Through: Mr. Mohit Mathur, Sr. Advocate with
Mr. Akhil Mittal, Mr. Sunil Mittal,
Mr. Vineet Kumar Mishra, Ms. Glory
Rana and Ms. Karitika Seth,
Advocates.

versus

GNCTD & ANR.

..... Respondents

Through: Mr. Udit Malik, ASC with Mr. Vishal
Chanda, Advocate.
Mr. Mukul Singh, CGSC with Mr.
Rudra Paliwal, GP.
Ms. Rachita Garg, Mr. Apoorv
Rastogi and Mr. Agam Rajput,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

03.05.2024

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1. Petitioner has approached this Court primarily challenging Order dated 08.11.2023, passed by the Lal Bahadur Shastri Hospital, debaring the Petitioner from participating in any procurement process or supply any items at Lal Bahadur Shastri Hospital.
2. The short contention of the Petitioner is that the Order of debarment has been passed without any notice to the Petitioner.
3. Material on record discloses that the contention of the Petitioner is correct. No notice has been given to the Petitioner informing it that it will be debarred from participating in any procurement process or supply any items at Lal Bahadur Shastri Hospital.



4. The Apex Court in Gorkha Security Services v. Government (NCT of Delhi) and Ors., (2014) 9 SCC 105, in categorical terms has held that the action of debarment has to be preceded by a notice specifically informing the Noticee that it will be debarred for any infringement and in the absence of any notice, the order of debarment cannot be passed. The Apex Court has held as under:

“16. It is a common case of the parties that the blacklisting has to be preceded by a show-cause notice. Law in this regard is firmly grounded and does not even demand much amplification. The necessity of compliance with the principles of natural justice by giving the opportunity to the person against whom action of blacklisting is sought to be taken has a valid and solid rationale behind it. With blacklisting, many civil and/or evil consequences follow. It is described as “civil death” of a person who is foisted with the order of blacklisting. Such an order is stigmatic in nature and debars such a person from participating in government tenders which means precluding him from the award of government contracts.”

5. Applying the law laid down by the Apex Court, this Court is inclined to set aside the impugned order.

6. The Writ Petition is disposed of along with the pending applications, if any.

7. It is always open for the Respondents to take such steps as may be available to them in accordance with law.

SUBRAMONIUM PRASAD, J

MAY 3, 2024

Rahul