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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11671/2024 & CM APPL. 48483/2024

G M TRADING COMPANY

.....Petitioner

Through: Mr. Aniket Prasoon, Mr. Vinit Kumar, Mr. Mayuk Roy, Mr. Mukut Chaudhary, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Piyush Beriwal, Mr. Vedansh Anand, Ms. Ojasvi, Mr. Vaibhav Gaggar, Advocates for R-1 with Ms. Rashi Mangal, GP.
Ms. Ankita Panikkar, Ms. Sukriti Verma, Mr. Ankit Konwar, Ms. Nishi Kashyap, Mr. Abhishek Praharaj, Advocates for R-2 & R-3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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23.08.2024

1. The present writ petition seeks the following reliefs:

(i) Issue a writ of Mandamus or any other appropriate writ, order or direction declaring that the Show Cause Notice dated 04.07.2024 issued by the Respondent No. 2 to the Petitioner is non-est and untenable in law;

(ii) Issue a writ in nature of Certiorari, or any other appropriate writ, order or direction quashing the Show Cause Notice dated 04.07.2024 issued by the Respondent No. 2 to the Petitioner;

(iii) Issue a writ of Mandamus or any other appropriate writ, order or direction declaring that any action taken by the Respondent No. 2 pursuant to the issuance of the Show Cause Notice dated 04.07.2024 including more specifically the action of changing the status of the Incident No. 1909743 from 'Responded to SCN' to 'Recommended Action' is non-est and untenable in law;

(iv) Issue a writ of Certiorari, or any other appropriate writ, order or direction to quash any action taken by the Respondent No. 2 pursuant to the issuance of the Show Cause Notice dated 04.07.2024 including more specifically the action of changing the status of the Incident No.



1909743 from 'Responded to SCN' to 'Recommended Action' being non-est and untenable in law;

(v) Issue a writ of Mandamus or any other appropriate writ, order or direction directing the Respondents to produce the relevant documents pertaining to closure / treatment of the Incident Nos. highlighted by the Petitioner in terms of paragraph P of the present Writ Petition and Annexure No. P/9 of the present Writ Petition;

(vi) Pass an order(s) directing the Respondent No. 2 to provide costs of litigation incurred by the Petitioner in pursuing the present Writ Petition, including court fees, legal fees, and other associated expenses; and pass such other/further Order(s) as this Hon'ble Court may deem fit and proper."

2. At the outset, the counsel for the Respondents No. 2 and 3 states categorically, on instructions, that no final view has been taken and the matter is still under consideration. She submits that this position is also evident from the screenshot of the GeM portal¹, which displays the status as "Recommended Action".

3. In light of the above statement, evidently, the petition is premature. At this juncture, the Court finds no reason to entertain the present petition and intervene under Article 226 of the Constitution of India, 1950, and accordingly the same is dismissed.

4. It is clarified that the Court has not examined the merits of the case, and all rights and contentions are left open. In case, the Respondents' final decision is adverse to the Petitioner, they shall be free to avail appropriate remedies, as per the policy and in accordance with law.

5. With the aforesaid, the present petition is dismissed along with pending application.

SANJEEV NARULA, J

AUGUST 23, 2024/ab

¹ Copy annexed with the petition and marked as 'Annexure P/8'