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

+ **W.P.(C) 13593/2024**

AMILIONN TECHNOLOGIES PRIVATE LIMITED & ANR.

.....Petitioners

Through: Mr. Saurabh Kirpal, Senior Advocate
with Mr. Raghav Sabharwal,
Mr. Abhishek Sandilya and
Ms. Sakshi Jain, Advocates for P-1.
Mr. Arvind Nayar, Senior Advocate
with Mr. Raghav Sabharwal and Mr.
Akshay Joshi, Advocates for P-2.

versus

TELECOMMUNICATIONS CONSULTANTS INDIA LIMITED

.....Respondent

Through: Mr. Amitesh Chandra Mishra,
Mr. Ankit Chaturvedi, Ms. Aishwarya
Mishra and Ms. Priya Bhatnagar,
Advocates for TCIL.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **11.11.2024**

CM APPL. 64913/2024 (for early hearing)

1. For the grounds and reasons stated in the application, the same is allowed and with the consent of the parties, the matter is taken up on board today itself.

2. Disposed of.

W.P.(C) 13593/2024

3. The Petitioners impugn communication dated 27th May, 2021, through



which Respondent No. 1 has terminated the Letter of Intent dated 10th January, 2019, and Master Service Agreement dated 30th January, 2021, blacklisting Petitioner No. 1 for a period of five years from 17th January, 2020 until 16th January, 2025.

4. The Petitioners have confined their challenge to the issue of proportionality, in as much as Mr. Saurabh Kirpal, Senior Counsel for Petitioner No. 1, argues that the period of the impugned blacklisting is inordinately long and disproportionate to the allegations forming the basis of the blacklisting.

5. At this juncture, it must be noted that the impugned communication was followed by a communication dated 28th May, 2021, which reads as follows:

CIN : U74999DL1978GOI008911

Termination of Letter of Intent (LOI)

TCIL/ED/TG/56/2018/APSFL-OFC

28.05.2021

M/s Amillionn Technologies Private Limited,
B1, Manjeera Residency, HUDA Colony,
Ashwini Layout, Jubilee Hills,
Hyderabad-500033

Subject: Termination of Letter of Intent (LOI) No: TCIL/ED/TG/56/2018/APSFL-OFC dated 10/01/2019 & Master Service Agreement Dated 30/01/2021 for M/s Amillionn in view of submitting Fake Advance Bank Guarantee. -**Corrected value of PBG**

Project: BharatNet Phase-II works to establish Optical Fiber Network Infrastructure for Package A in the state of Andhra Pradesh.

Reference:

1. TCIL's LOI No: TCIL/ED/TG/56/2018/APSFL-OFC dated 10/01/2019.
2. Master Service Agreement (MSA) dated 30/01/2021 for the project mentioned above.
3. Terminating Notice for submitting Fake Bank Guarantee vide TCIL's Letter No: TCIL/SR/APSFL Project-Exec/Amillionn Corres. Dated 01/05/2021.
4. Amillionn Response Letter Dated 15/05/2021.

The period of business dealings with M/s Amillionn being suspended and banned mentioned in the Termination of Letter of Intent (LOI) vide letter no. TCIL/ED/TG/56/2018/APSFL-OFC dated 27.05.2021 to be read as 27/05/2021 until 26/05/2026 instead of 17/01/2020 until 16/01/2025.

With Best Regards,

(Sanjay Bharti Kumar)
Group General Manager (IT&OFC)





6. Through the aforesaid communication, the period of blacklisting was amended, to be read as '27th May, 2021 until 26th May, 2026' instead of '17th January, 2020 until 16th January, 2025'.

7. Subsequently, pursuant to an undertaking given by the Respondent on 28th May, 2021 as well as the proceedings in O.M.P.(I) (COMM.) 162/2021 on 9th July, 2021, the Respondents issued a communication dated 14th July, 2021 to the following effect:

	टेलीकम्यूनिकेशन्स कंसलटेंट्स इंडिया लिमिटेड (भारत सरकार का उद्यम) Telecommunications Consultants India Limited (A Government of India Enterprise) ए. सी. जवाहर रोड, मदन, ब्रिन्दवन कोलोनी, बसुन्पेट, हैदराबाद - 500016	आइ. एस. 9001:2015 IS ISO 9001:2015 
TCIL Regional Office, 4 th Floor, Janaki Avenue, 1-11-220 15, Brindavan Colony, Begun-pet, Hyderabad - 500016, Telangana.		
CIN : U74999DL1975GGI000011		
No. TCIL/SR/APSFL Proj-Exec/Amillionn corres		Dt.14-07-2021
To M/s. Amillionn Technologies Private Limited, Plot No. 15A, 5th Floor, Sai Prithvi Enclave, Kondapur, Hyderabad 500084		
Sub.: Withdrawal of letter/corrigendum dated 28.05.2021		
Dear Sh.Harish		
In compliance of the undertaking given by TCIL on 28.5.2021 and also in terms of the observations made by Hon'ble High Court of Delhi in the proceedings dated 9.7.2021, the letter/corrigendum dated 28.05.2021 regarding amendment of period of suspension and banning of business dealings is hereby withdrawn, subject to the final outcome of the petition in Hon'ble High Court of Delhi.		
This issues with the approval of competent authority		
		
RD (South) Authorized Signatory TCIL-Hyderabad		

8. In furtherance of the aforesaid communication, the corrigendum dated 28th May, 2021, stood withdrawn. As a result, the blacklisting period specified in the original communication dated 27th May, 2021 would apply.

9. In light of the above, it is noted that the period of blacklisting is now



due to lapse on 16th January, 2025. The Respondent's counsel, on instructions, also confirms that the period of blacklisting would lapse on the said date.

10. In light of the aforementioned statement made by the Respondent's counsel, Mr. Kirpal states that the petition can be disposed of as satisfied.

11. Accordingly, the petition is disposed, binding the Respondent to the statement made by their counsel.

SANJEEV NARULA, J

NOVEMBER 11, 2024

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