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

+ O.M.P.(I) (COMM.) 339/2024

APOORV AIR CONTROL THROUGH PROPRIETOR MRS. ALKA
GUPTAPetitioner

Through: Mr. Animesh Khandelwal and Mr.
Ankit Sareen, Advs.

versus

GAIL (INDIA) LIMITEDRespondent

Through: Mr. Kartik Seth and Mr. Chiranjeev
Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

20.11.2024

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1. The present petition has been filed by the petitioner apprehending coercive action on the basis of the Show Cause Notices (hereinafter '*the SCNs*') dated 10.04.2024 and 25.06.2024.
2. It is noticed that the said SCNs have been issued by M/s Resonance Energy which is stated to be a Construction Management Consultant (CMC) engaged by the respondent.
3. Admittedly, the petitioner's privity of contract is only with the respondent.
4. Learned counsel for the respondent submits that the SCNs, on the basis of which the petitioner apprehends coercive action, have not been issued by it. He submits that no coercive action shall be taken against the petitioner pursuant to the aforesaid SCNs dated 10.04.2024 and 25.06.2024.
5. He further submits that if any coercive / contractual action is proposed to be taken against the petitioner, the respondent shall issue a fresh SCN to



the petitioner and the same shall be duly adjudicated in accordance with law. The said statement is taken on record.

6. In view of the aforesaid statement, the concern of the petitioner that the respondent would take coercive / contractual steps against it on the basis of the aforesaid SCNs, stands allayed.

7. In the circumstances, learned counsel for the petitioner does not press the present petition at this stage. The same is accordingly dismissed as withdrawn.

8. Needless to say, if any coercive action is proposed to be taken by respondent / GAIL, including by way of debarring / blacklisting or by way of invocation of bank guarantee, it shall give a SCN to the petitioner. The same shall also necessarily be subject to the petitioner's remedies under law.

9. The petition is disposed of in the above terms.

SACHIN DATTA, J

NOVEMBER 20, 2024/cl