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

+ LPA 1222/2024 CM APPL. 74227/2024

PNC BUNDELKHAND HIGHWAYS

PRIVATE LIMITED

.....Appellant

Through: Mr. Rajiv Nayar, Sr. Advocate with
Mr. Tripurari Kumar Jha, Advocate

versus

UNION OF INDIA THROUGH MINISTRY OF ROAD

TRANSPORT AND HIGHWAYS & ANR.Respondents

Through: Mr. Santosh Kumar, Mr. Adithya
Ramani and Ms. Nidhi Rani,
Advocates

(84)

+ LPA 1224/2024 CM APPL. 74399/2024 CM APPL. 74400/2024 CM
APPL. 74401/2024

PNC INFRATECH LTD

.....Appellant

Through: Mr. Rajiv Nayar, Sr. Advocate with
Mr. Tripurari Kumar Jha, Advocate

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Santosh Kumar, Mr. Adithya
Ramani and Ms. Nidhi Rani,
Advocates

(85)

+ LPA 1225/2024 CM APPL. 74414/2024 CM APPL. 74415/2024 CM
APPL. 74416/2024

PNC KHAJURAHU HIGHWAYS PRIVATE LIMITED

.....Appellant

Through: Mr. Rajiv Nayar, Sr. Advocate with
Mr. Tripurari Kumar Jha, Advocate



versus

UNION OF INDIA, THROUGH MINISTRY OF ROAD
TRANSPORT AND HIGHWAYS

.....Respondent

Through:

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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19.12.2024

1. The appellants have filed these appeals impugning judgment dated 29.10.2024 passed by the learned Single Judge in W.P.(C) 14903/2024, W.P.(C) 14904/2024 and W.P.(C) 14905/2024. The appellants had filed above mentioned respective petitions impugning an order whereby they were debarred from participating in any contract with the concerned authority for a period of one year.
2. The learned Single Judge has found that the order for debarring the appellants did not warrant any interference in proceedings under Article 226 of the Constitution of India.
3. Mr. Nayar, learned senior counsel for the appellants submitted at the outset that the present appeals be disposed of by directing the respondents to consider the petitions as their representations. He also points out that the impugned judgment contains definitive findings against the appellants, which would prejudice them in other proceedings.
4. The present appeals were listed on 18.12.2024 and learned counsel appearing for the respondents had sought time to take instructions in this regard. He now states that the present appeals may be disposed of as suggested by learned senior counsel appearing for the appellants.



5. In view of the above, the present appeals are disposed of by directing the respondents to consider the contents of the writ petitions and these appeals as representation of the respective appellants. We also consider apposite to direct that all observations and findings as recorded in the impugned judgment be read only as prima facie and tentative findings confined to the question of whether inference under Article 226 of the Constitution of India is warranted. None of the findings shall be read as to prejudice the appellants in any other proceedings. We also note that impugned judgment also contains observations to the aforesaid effect.

6. The appeals are disposed of in the aforesaid terms.

7. We request the concerned authority to consider the representation uninfluenced by any observations or findings of the learned Single Judge in the impugned order, as expeditiously as possible and preferably within a period of four weeks from date. The concerned authorities may also afford the appellants an opportunity to be heard.

8. We further clarify that we have not expressed any opinion on the merits of the allegations against the appellants or the action taken by the respondent in debarring them.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

DECEMBER 19, 2024

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Click here to check corrigendum, if any