

D/L 04
03.04.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 7515 of 2025

Metsil Exports Limited, formerly Metsil Exports
Private Limited & Anr.

Vs.

Union of India & Ors.

Mr. Debnath Ghosh, Sr. Adv.
Mr. Farhan Ghaffar
Mr. Sourav Paul
Mr. S. Jana
Mr. Ankit Chaturbedy

...for the Petitioners.

Mr. Siddhartha Lahiri
Mr. M. Datta

...for the Union of India.

Mr. Ayan Poddar
Ms. Shweta Bharti
Ms. Yashodhara B Roy
Ms. Darshita Sethia
Mr. Siddharth Tandon
Ms. Khusboo Ruia
Ms. Prakati Shrivastava

...for the Respondent nos. 2-7&10.

1. Affidavits of service filed in Court today are taken on record.
2. Respondent no. 10 is the Government Marketplace (GeM) and is being represented by the learned advocate. The officers of the respondent no. 10 being the respondent nos. 2 to 7 have been impleaded by name. As there is no personal allegation against any of the respondent nos. 2 to 7, their names stand deleted from the cause title of the writ petition. The aforesaid respondents shall be addressed by their respective designations.
3. The petitioners are aggrieved by the penalty imposed by GeM suspending the transactions of the petitioners for a

period of 730 days starting from 27th March, 2025 to 27th March, 2027.

4. The order of penalty mentions that during this period the carted products of the petitioners, if any, will be removed from the cart and the petitioners will not be able to enter into fresh transactions, upload products, participate in bids/RA and the carted products will be taken out. The bids in which the petitioners have already participated will be withdrawn. The petitioners have been permitted to complete the transactions already finalized.
5. The petitioners submit that, the response which the petitioners made in reply to the show cause issued to the petitioners, was not considered by GeM. The impugned order of penalty neither discloses nor reflects the manner in which the response of the petitioners to the show cause notice has been considered.
6. Prayer has been made to set aside the impugned order of penalty.
7. Learned advocate representing GeM submits that, the reply to the show cause filed by the petitioners was duly considered and it is only thereafter that the penalty has been imposed.
8. The Incident Management Policy for Government e Marketplace has been placed before this Court in support of the submission that there is a provision for appeal against the imposition of penalty.
9. It appears that Clause 8 of the Incident Management Policy for Government e Marketplace prescribes that the option of appeal can be availed by the Seller/SP after imposition of penalty. In the instant case, penalty has been imposed upon the petitioners and it will open for

the petitioners to avail the remedy of appeal as prescribed in the Incident Management Policy.

10. The writ petition stands disposed of.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)