



\$~37

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

+ W.P.(C) 228/2023 and CM APPL.12304/2023

JANADHAR SOCIETYPetitioner

Through: Mr. Tarjit Singh Chhikara, Adv.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Piyush Beriwal, Mr. Vedansh Anand, Mr. Sandip and Ms. Jyotsana Vyas, Advocates for R1 to R.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

17.03.2025

%

1. The present petition impugns a blacklisting order dated 06.10.2022 whereby the petitioner's empanelment as a third-party aggregator (TPA) has been cancelled and the petitioner has been blacklisted for "a minimum of two years" and also not to be allowed to work with National Skill Development Corporation (NSDC) during that period. The said order, *inter alia*, reads as under:-

S.No.	TPA Code	TPA Name	Remarks	Date of Cancellation
1	TPA05190600002	JANADHAR SOCIETY	1- Cancellation of TPA empanelment orders dated 22.07.2019 and as well as dated 18.10.2021 mentioned above in reference. 2- Blacklisting of the entities/firms M/s Janadhar Society, Gurugram and M/s AVM Management Services Pvt. Ltd., Gurugram for a minimum of 2 years and also not to be allowed to	30 th August, 2022



			work with NSDC during the said period. 3- All the powers of TPA revoked in the portal. However, the TPA may be permitted to service the existing the contracts they have effected till the day before the issue of cancellation/black listing, and permission to work with existing contracts only within the existing establishments.	
--	--	--	--	--

2. Learned counsel for the petitioner assails the aforesaid order on the ground that the same has been passed in utter disregard of principles of natural justice, without affording an opportunity of hearing to the petitioner. It is further contended that the representation of the petitioner against the aforesaid blacklisting order, submitted as far back as on 07.11.2022, has not even been considered by the respondent.

3. It is submitted that although the period of blacklisting is over, the petitioner continues to be aggrieved therewith in view of the stigmatic nature of the impugned blacklisting action.

4. After some hearing, respective counsel for the parties are in agreement that the blacklisting order having run its term, is no longer in operation. As such, as on date, there is no blacklisting order in operation *qua* the petitioner and the embargo precluding the petitioner from working with/for NSDC, is also no longer in operation.

5. *Prima facie*, there is a merit in the contention of the learned counsel for the petitioner that the respondent ought to have afforded an opportunity of hearing to the petitioner before passing the blacklisting order in question. It is also noticed that notice dated 31.05.2022 issued to the petitioner [prior



to the impugned blacklisting action] , states as under:-

“5) On the above grounds, an internal committee under MSDE has recommended that your organization as a fit case for de-empanelment I black listing as a Third Party Aggregator (TPA).

6) In view of the above, you are requested to provide an explanation within 7 days to the undersigned failing which action will be taken on the available records I recommendation of the Internal Committee.”

6. Besides seeking explanation from the petitioner, no separate show cause notice was issued to the petitioner as regards any specific proposal/ decision to blacklist the petitioner, and that too for a period of two years.

7. Be that as it may, it is noticed that the petitioner preferred a detailed representation dated 07.11.2022 against the blacklisting order. The same has been filed as Annexure-P17 to the present petition. The said representation sets out various grounds which according to the petitioner dispels the basis/ premise on which the impugned blacklisting action was taken against the petitioner.

8. In the circumstances, the present petition is disposed of with the direction to the respondent to decide the aforesaid representation of the petitioner by way of a reasoned order, after affording an opportunity of hearing to the petitioner. If so warranted, on the conclusion of the aforesaid exercise, the respondent shall withdraw the impugned blacklisting order.

9. Needless to say, if the petitioner is aggrieved by the outcome of the aforesaid exercise, it shall be at liberty to avail appropriate remedies under law.

10. The present petition is disposed of in the above terms.

MARCH 17, 2025/at

SACHIN DATTA, J