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

+ **W.P.(C) 4609/2025 and CM APPL.21345/2025 (Stay)**

ALOK BUILDTECH PRIVATE LIMITED

.....Petitioner

Through: Mr. Nalin Kohli, Sr. Advocate along
with Mr. Harshvardhan Agarwal, Ms.
Nimisha Menon, Mr. Parmod
Kalirana, Ms. Shruti Agrawal, Mr.
Manish Choudhary and Ms. Ameya
Vaid, Advocates.

versus

**NATIONAL HIGHWAYS AUTHORITY OF INDIA THROUGH
ITS CHAIRMAN & ANR.**

.....Respondent

Through: Mr. Namit Saxena and Ms. Isha
Nagpal, Advocates for NHAI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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09.04.2025

CM APPL.21346/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 4609/2025 and CM APPL.21345/2025 (Stay)

3. The present petition has been filed assailing the impugned show cause notice dated 21.03.2025 bearing no. 24014/12/RO-Raipur (CG)/R-S/Tarpongi Toll/Contract/10384 (hereinafter '*the impugned show cause notice*') issued by the National Highway Authority of India [NHAI / respondents] in regard to the Tarpongi Toll Plaza (Annexure P1).
4. Pursuant to the aforesaid impugned show cause notice, debarment action for two years is sought to be taken against the petitioner on account of



violation of Clause 21(i) of the contract agreement between the parties. A response dated 26.03.2025 to the aforesaid impugned show cause notice has also been sent by the petitioner.

5. It is submitted on behalf of the petitioner that the impugned show cause notice makes a cryptic reference to an investigation by the Uttar Pradesh Special Task Force (UPSTF) resulting in an FIR No. 0017 filed on 22.01.2025 at P.S. Lalganj, Distt Mirzapur, Uttar Pradesh. However, the press note bearing no. 36 dated 22.01.2025 issued by the Uttar Pradesh Special Task Force in connection with the aforesaid investigation bears no mention of the Tarpongi Toll Plaza.

6. It is further submitted that in the impugned show cause notice, a reference is also made to a communication / letter bearing No. CODIV-11036/2/2025-CODIVISION/DEBAR/03 dated 18.03.2025 issued by the respondent whereby debarment action for a period of two years was taken against the petitioner in regard to another toll fee plaza namely Kumhari fee Plaza. In this regard, the impugned show cause notice records that similar instances were observed at the Kumhari Fee Plaza and the Tarpongi Toll Plaza. The relevant portion of the impugned show cause notice reads as under –

“4. In this regard, NHAI-HQ has already debarred your firm for 2 years vide letter no. CODIV-11036/2/2025-CODIVISION/DEBAR/03 dated 18.03.2025 for Kumhari Toll Plaza and the similar such instances were observed at this toll plaza also.

5. In view of the violation of Clause 21(i), this Show Cause Notice is being issued to you/your firm should not be debarred from NHAI for a period of 02 year.”

7. Further, attention of this Court has also been drawn to the communication dated 17.03.2025 issued by the Project Director of the



Project Implementation Unit (PIU), NHAI wherein it has been observed as follows –

- i. that an inspection was carried out by a team comprising of officials of the PIU, NHAI, Raipur and the independent engineer on behalf of the M/s LASA at the two toll plazas operated by the petitioner i.e. the Kumhari Fee Plaza and the Tarpongi Fee Plaza and that nothing untoward was found during the inspection;
- ii. that proper fee receipts were being issued by the petitioner agency and the same has been verified from the server installed at the aforesaid fee plaza/s; and
- iii. that entries of all the vehicles were being made into the software duly provided by the system integrator appointed by M/s IHMCL.

8. Further, it is submitted that while the impugned show cause notice has not yet culminated into an order for debarment of the petitioner, the present petition has been filed under the apprehension that the bank guarantee/s / performance security/ies furnished by the petitioner with respect to the contract agreement between the parties may be encashed by the respondent.

9. Issue notice.

10. Learned counsel, as aforesaid, accepts notice on behalf of the respondents.

11. It is noticed that the communication dated 18.03.2025 in regard to the Kumhari Fee Plaza, which has been referred to in the impugned show cause notice, has been assailed by the petitioner in W.P.(C) 4548/2025 and the same has now been set aside by this Court *vide* today's order passed therein. However, while doing so, it has been clarified that the respondents are not



precluded from taking necessary action, subject to compliance with the principles of natural justice. The present petition is also disposed of in the said terms.

12. It is clarified that the respondent/s shall be at liberty to issue a fresh/supplementary show cause notice if so warranted in the facts and circumstances of the case.

13. It is further directed that till the concerned show cause notice/s are duly adjudicated by way of a reasoned order, the concerned authority shall not take any precipitative steps by way of encashment of the bank guarantee / performance security furnished by the petitioner subject to the existing bank guarantee/s being kept alive by the petitioner.

14. The present petition stands disposed of in the above terms. Pending applications also stand disposed of.

SACHIN DATTA, J

APRIL 9, 2025/dn