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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 05.05.2025**+ **W.P.(C) 5005/2025 and CM APPL.23038/2025**

HARI OM SINGHAL

.....Petitioner

Through: Mr. Sanket Gupta, Advocate.

versus

UNIVERSITY OF DELHI

.....Respondent

Through: Mr. Mohinder J. S. Rupal, Mr. Hardik Rupal and Ms. Aishwarya Malhotra, Advocates.

CORAM:**HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition impugns a letter bearing No. CE/3763/DU/2024-25 dated 19.02.2025, whereby, the respondent terminated the Letter of Intent dated 14.02.2025 awarded to the petitioner for 'repairing of defective existing CDMT ceiling fitting for proper lighting in sitting area of Multipurpose Hall, Sports Complex, University of Delhi' and was also "debarred to participate in the tenders/quotations for a period of six months at the first instance due to non-performance of work". The said letter reads as under: -

"Subject: Repairing of Defective existing CDMT ceiling fitting for proper lighting in sitting area of Multipurpose Hall, Sports Complex, University of Delhi.

"Sir

This is with reference to the above mentioned work, you were instructed to perform the work on urgent basis w.e.f. 14.02.2025 as convocation is scheduled on 22.02.2025. You were also asked to arrange the material



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and Scaffolding/ladder arrangement within skilled labour at once. Being the Urgent nature of the work, you have failed to execute the work after several verbal requests. Hence the said work vide letter of intent dt. 14.02.2025 stands cancelled. Further with the approval of competent authorities your agency has been debarred to participate in tender/quotation for a period of six months at first instance due to non-performance of work.”

2. The limited submission of the learned counsel for the petitioner is that prior to passing of such an extreme action of debarment, the petitioner was neither issued a show cause notice nor afforded an opportunity of hearing.
3. Learned counsel for the respondent does not controvert that the impugned action was taken against the petitioner without giving any show cause notice to the petitioner or affording an opportunity of hearing. However, he points out that the conduct of the petitioner has been egregious in respect of all the 12 contracts which have been awarded to the petitioner by the respondent.
4. It is further submitted by learned counsel for the respondent that there have been severe deficiencies and shortcomings in the work performed by the petitioner and resultantly the respondent has been compelled to give various show cause notices to the petitioner with a view of the illicit performance of the concerned contract.
5. It is also stated that the contract in respect of which the petitioner has been remiss in performing its obligations, are of an urgent nature and grave prejudice has been caused to the respondent as a result of the petitioner's non-performance.
6. Be that as it may, in view of the fact that the impugned debarring order has been issued without affording an opportunity of hearing to the petitioner, the same is unsustainable. In this regard, reference is apposite to



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the observations of the Supreme Court in ***Gorkha Security Services v. Government (NCT of Delhi) and Ors.***, (2014) 9 SCC 105 which reads as under:

“16. It is a common case of the parties that the blacklisting has to be preceded by a show-cause notice. Law in this regard is firmly grounded and does not even demand much amplification. The necessity of compliance with the principles of natural justice by giving the opportunity to the person against whom action of blacklisting is sought to be taken has a valid and solid rationale behind it. With blacklisting, many civil and/or evil consequences follow. It is described as “civil death” of a person who is foisted with the order of blacklisting. Such an order is stigmatic in nature and debars such a person from participating in government tenders which means precluding him from the award of government contracts.”

7. In the circumstances, the impugned order dated 19.02.2025 is set aside. However, liberty is granted to the respondent to issue an appropriate show cause notice to the petitioner. In the event that a notice is issued proposing debarment of the petitioner, the petitioner shall be afforded an opportunity to submit its reply and also an opportunity of hearing. The respondent shall thereafter, pass a reasoned order.

8. Needless to say, the petitioner shall be entitled to avail appropriate remedies, as may be available under law, if it is aggrieved by the outcome aforesaid exercise.

9. It is made clear that this Court has not interdicted with the termination of the concerned contract between the petitioner and the respondent.

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

SACHIN DATTA, J

MAY 5, 2025/at