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

+ **W.P.(C) 5441/2025**

**M/S DEY S STEEL PROPRIETORSHIP FIRM THROUGH
PROPRIETOR SRI. GOUTAM DEY**

.....Petitioner

Through: Mr. Subhabrata Datta, Mr. Sunando
Rana, Mr. Panas Agarwal, Advs.

versus

**THE UNION OF INDIA, MINISTRY OF COMMERCE AND
INDUSTRY & ORS.**

.....Respondent

Through: Mr. Siddhartha Shankar Ray (CGSC)
along with Mr. Kamaldeep (GP)

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **28.04.2025**

CM APPL. 24766/2025 (Exemption)

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

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3. The present petition has been filed seeking revocation of the order of suspension dated 21.02.2025 issued by the respondent no.2 against the petitioner.
4. The petitioner is a proprietorship firm who has been carrying on business under the name and style of "M/S Dey's Steel" for supplying material to the Central Government Organizations and for this purpose seeks to participate in various tenders issued on the Government e-Marketplace (GEM).



5. It is submitted that the petitioner has been awarded with many contracts wherein it successfully delivered materials as per the specifications in the Notice Inviting Bid floated by the concerned Government authorities.
6. On 11.12.2024 a show cause notice was issued to the petitioner on account of allegedly indulging in any anti-competitive behaviour or cartel formation. The said show cause notice was duly responded to by the petitioner on 19.12.2024.
7. However, *vide* order dated 21.02.2025, the petitioner was suspended for a period of two months w.e.f. from 21.02.2025 to 22.04.2025. The said period of suspension is already over. However, the petitioner is aggrieved on account of the stigmatic nature of the order and the cascading effect thereon on the business of the petitioner.
8. During the course of hearing, it transpires that the said impugned suspension order dated 21.02.2025 is appealable under Clause 8 of Government e-Marketplace (GEM) Incident Management Policy.
9. In the circumstances, the petition is disposed of relegating the petitioner to the concerned Appellate Authority. Let the Appellate Authority consider the appeal that may be filed by the petitioner on merits and pass a reasoned order thereon.
10. The Appellate Authority shall duly consider the pleas raised on behalf of the petitioner including the plea that the allegations in the show cause notice are unfounded.
11. The appellate authority is requested to decide the appeal as expeditiously as possible and preferably within a period of eight weeks from today.
12. Needless to say, if the petitioner is aggrieved from the said exercise



he shall be at liberty to avail appropriate remedies under law.

13. The petition is disposed of in the above terms.

SACHIN DATTA, J

APRIL 28, 2025/uk