



\$~137

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

+ **W.P.(C) 7732/2025, CM APPL. 34266/2025**

DIVERSIFIED BUSINESS SOLUTIONS PVT LTDPetitioner

Through: Mr. Asheesh Jain (Sr. Adv) along
with Mr. Rajesh Jangra, Mr. J.K. Sen,
Mr. Kush Gupta, Advs.

versus

DELHI METRO RAIL CORPORATION LTD & ORS.

.....Respondent

Through: Mr. Ankur Chhibber, Mr. Nikunj
Arora, Advs. for R1
Mr. Chetanya Puri (SPC) along with
Mr. Jai Vardhan, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **29.05.2025**

CM APPL. 34267/2025 (Exemption)

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

W.P.(C) 7732/2025

3. The present petition assails a Penalty Notice dated 30.12.2024 and a Show Cause Notice (SCN) dated 17.04.2025 issued by respondent no.1/ Delhi Metro Rail Corporation Ltd (DMRC) against the petitioner. *Vide* the impugned Penalty Notice, a penalty of Rs. 3,48,703/- was imposed on the petitioner and in terms of SCN, respondent no.1 proposed a three-year ban/suspension of the petitioner from future business dealings.
4. It is submitted by learned Senior Counsel for the petitioner that the impugned SCN is wholly misconceived being based on surmises and conjectures. Further, the respondent no.1 has already issued the impugned



Penalty Notice deducting Rs. 3,48,703/- from the petitioner's invoices for alleged operational lapses in connection with the same examinations for which the SCN has been issued. It is submitted that the impugned SCN virtually seeks to subject the petitioner to double jeopardy. It is apprehended that the respondent shall proceed to mechanically pass a banning/ suspension order *qua* the petitioner without even considering the relevant facts and circumstances.

5. Learned counsel for the respondent no.1 who appears on advance notice states, on instructions, that the respondent shall duly consider the reply filed by the petitioner to the SCN and shall also afford an opportunity of hearing to the petitioner. The respondent shall also duly consider the averments made in the present petition and also the contention that even the impugned order imposing penalty was issued without following a due process. The said statement is taken on record.

6. Let a reasoned order both *qua* the show cause concerning banning/ suspension and also *qua* the penalty imposed, be passed after affording an opportunity of hearing to the petitioner.

7. The petition is disposed of in the above terms. Pending application also stands disposed of.

8. Needless to say, in case any banning/ suspension action is taken against the petitioner, the petitioner would at liberty to avail appropriate remedies under law.

SACHIN DATTA, J

MAY 29, 2025/uk