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

+ W.P.(C) 14228/2024, CM APPLs. 59588/2024

M/S HULE CONSTRUCTIONS PVT LTD THROUGH ITS
MANAGING DIRECTOR

.....Petitioner

Through: Mr. J.N. Singh, Mrs. S.J. Singh,
Adv.

versus

UNION OF INDIA AND ANR.

.....Respondent

Through: Mr. Shoumendu Mukherji (SPC)
along with Ms. Megha Sharma, Mr.
Mehul Sharma, Mr. Aniruddha
Ghosh, Adv. and Mr. Abhishek (GP)
Mr. Santosh Kumar (SC) along with
Mr. Adithya Raman, Adv. for NHAI

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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22.09.2025

CM APPL. 3140/2025 (for direction to Respondent No.2)

1. The present petition assails a debarring order dated 23.09.2024 issued by the respondent no.2, whereby the respondent no. 2 sought to debar the petitioner from participating in future bidding process/es for a period of three months.
2. By way of the present application, it has been brought out that the aforesaid debarring order has been withdrawn and a fresh show cause notice dated 06.12.2024 has been issued to the petitioner.
3. The relevant averments in the application are as under:-

"3. That the main ground of the Petitioner in the present Petition is that the Respondent has issued the Impugned Order without issuing a show-cause notice and without giving the opportunity of personal hearing. That the said ground of the Petitioner is reproduced hereinbelow:

"B. BECAUSE while passing the impugned order dated 24.09.2024 by



the Respondent No. 2 no any prior notice or opportunity of hearing was given to the petitioner and in view of this legal position also the impugned order dated 24.09.2024 is unsustainable and liable to be quash and set aside by this Hon'ble Court. "

4. It is pertinent to submit at the outset that the Respondent has withdrawn the Impugned Debarment order dated 23.09.2024 whereby the Petitioner was debarred from the list of pre-qualified bidders for three months as per clause 2.4 of RFQ.

*5. That the Respondent has now issued a show cause notice dated 06.12.2024 to the Petitioner to give it proper opportunity to show cause. That the said show-cause notice has been issued by the Respondent in the spirit of giving a fair opportunity to the Petitioner to show cause against taking the proposed action. It is submitted that the Petitioner has replied to the same vide letter dated 07.12.2024. The Respondent will also give the Petitioner an opportunity for personal hearing. True copy of the show cause notice dated 06.12.2024 sent by the Respondent to the Petitioner is annexed herewith and marked as **Annexure RA/1**. True copy of the letter dated 07.12.2024 sent by the Petitioner to the Respondent is annexed herewith and marked as **Annexure RA/2**.*

6. In view of the aforementioned developments, it is humbly requested that this Hon'ble Court may allow the Respondent to consider the case of the Petitioner inter alia, as per the show cause notice dated 06.12.2024 issued to the Petitioner, as per the reply dated 07.12.2024 issued by the Petitioner and personal hearing to be conducted, and pass fresh directions on the basis of the same.

7. That no prejudice will be caused to the Petitioner if the present Application is allowed by this Hon'ble Court and the present Application is being filed by the Respondent in the interest of justice. "

4. The prayer sought in the present application *inter alia* reads as under:-

"a) Pass an order to allow Respondent No.2 to consider the case of the Petitioner afresh in terms of inter alia, the Show Cause Notice dated 06.12.2024, the reply thereof sent by the Petitioner dated 07.12.2024 and personal hearing to be conducted and/or

b) Pass any other order as this Hon'ble Court may deem fit and proper in the facts and circumstances. "

5. In view of the aforesaid circumstances, the main prayer in the writ petition itself has been rendered infructuous inasmuch as the debarring order dated 23.09.2024 does not survive.

6. It is clarified that the respondent no.2 shall be at liberty to adjudicate



the fresh show cause notice dated 06.12.2024 in accordance with law, and after adhering to the principles of natural justice.

7. It is further clarified that respondent would be at liberty to issue a supplementary show cause notice. Likewise, the petitioner shall also be at liberty to file additional reply thereto.

8. The present application as also the main writ petition are disposed of in the above terms. Other pending applications also stand disposed of.

SACHIN DATTA, J

SEPTEMBER 22, 2025/uk