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

+ **W.P.(C) 19462/2025, CM APPL. 81152/2025**

TPF ENGINEERING PVT. LTD. & ORS.

.....Petitioners

Through: Mr. Darpan Wadhwa, Sr. Adv.
alongwith Ms. Malak Bhatt, Mr.
Nikunt Raval, Ms. Neeha Nagpal and
Mr. Amar Vaid, Advocates.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA & ANR.

.....Respondents

Through: Mr. Santosh Kumar, SC for NHAI
alongwith Mr. Adithya Ramani, Adv.
Mr. Rohan Jaitley, CGSC alongwith
Mr. Dev Pratap Shahi, GP and Mr.
Varun Pratap Singh, Advocates for
UoI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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22.12.2025

CM APPL. 81153/2025-Exemption

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

W.P.(C) 19462/2025

3. The present petition has been filed by the petitioners assailing a communication dated 26.11.2025 issued by the respondent no.1/NHAI to the petitioners, whereby the petitioners have been called to show cause as to why debarment action should not be taken against them. The same communication proceeds to "temporarily suspend" the petitioners from participating in the ongoing and future biddings for a period of one month or till completion of



investigation by expert committee, whichever is later in accordance with the NHAI Policy Circular No. 16.12/2022 dated 18.01.2022.

4. The impugned order has been issued in the context of a mishap that occurred during the execution of works relating to the construction of a 6-lane Elevated Corridor along with development of existing 4 lane road at ground level from Aroor to Thuravoor Thekku section of NH-66 (from Km. 366+330 to Km. 379+082) in Kerala.

5. Learned senior counsel for the petitioner submits that, in relation to the same incident arising out of the same project and in the context of identical action taken by the respondent no.1, an order dated 08.12.2025 was passed in W.P.(C) 18578/2025. The same reads as under:

“3. The present petition has been filed by the petitioner assailing a Show Cause Notice (SCN) / letter bearing no. PROJ-33014(31)/6/2025-PIU Cochin-II/efile-299063 dated 26.11.2025, issued by the respondent (NHAI). By virtue of the said notice, the petitioner has been sought to be suspended from “participating in ongoing / future bids for a period of one month or completion of investigation by expert committee, whichever is later” in accordance with MoRT&H Policy Circular No.RW/NH-33044/76/2021-S&R(P&B) dated 06.10.2021 & NHAI Policy Circular No.16.11/2021 dated 16.11.2021.

4. Learned senior counsel for the petitioner submits that the Authorised Engineer (AE) report dated 25.11.2025 records that the petitioner has taken sufficient safety and security measures and as such the impugned suspension order is unwarranted. It is further submitted that the respondent issued a combined Show Cause Notice-cum-suspension order, without considering the petitioner’s documents and without affording an opportunity of hearing prior to taking the suspension action.

5. It is submitted that even before taking suspension action against the petitioner, compliance of the principles of natural justice was warranted. In this regard, reliance is placed on the order dated 27.05.2025 passed by this Court in W.P.(C) 7494/2025.

6. Issue notice.

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



respondent.

8. Concededly, no opportunity of hearing was granted to the petitioner before taking the impugned suspension action. However, Mr. Santosh Kumar, learned counsel for the respondent emphasizes that the said action was necessitated in an emergent situation in the interest of public safety.

9. It is evident that 'suspension' action against the petitioner is akin to debarment having extreme consequences for the petitioner and some semblance of hearing / compliance with the principles of natural justice was warranted prior thereto. The same is also mandated in terms of the order passed by this Court in W.P.(C) 7494/2025.

10. It is noticed that the impugned notice dated 26.11.2025 calls upon the petitioner to file its response within a period of 15 days thereof.

11. Considering the facts and circumstances, the following directions are issued:

(i) The petitioner would file its response to the impugned SCN dated 26.11.2025 within a period of three days from today.

(ii) A hearing shall be scheduled thereafter by the concerned authority of the respondent, to consider whether any suspension action against the petitioner is warranted or not in the facts and circumstances of the case.

(iii) A reasoned order shall be passed by the respondent in case any suspension action is sought to be taken against the petitioner.

(iv) Till conclusion of the aforesaid exercise, the decision contained in para-4 of the impugned order dated 26.11.2025 shall be kept in abeyance.

12. Needless to say, the above exercise shall be subject to the legal rights and remedies of the parties.

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

6. Learned senior counsel for the petitioner submits that, in the case of the petitioner, the impugned suspension was effected without even minimal compliance with the principles of natural justice. It is, therefore, contended



that the petitioner herein is entitled to identical relief in terms of the order passed in W.P.(C) No. 18578/2025.

7. Mr. Santosh Kumar, standing counsel for respondent no.1, who appears on advance notice, strenuously opposes the present petition. It is submitted that even in the past, debarment action has been taken against the petitioner for similar reasons. It is contended that, having regard to the petitioner's past conduct, no interim relief is warranted. It is further submitted that, prior to the final adjudication of the show cause notice, the petitioner shall necessarily be afforded an opportunity of hearing.

8. Concededly however, the order dated 08.12.2025 was passed in respect of the same contractor, concerning the same work and arising out of the same incident. In these circumstances, there is no reason why a similar order ought not to be passed in the case of the present petitioner as well.

9. In the circumstances, the following directions are issued:

- i. Since the petitioner has already filed its response to the impugned SCN dated 26.11.2025, it is directed that a hearing be scheduled within a period of one week from today, by the concerned authority of the respondent to consider whether any suspension action against the petitioner is warranted in the facts and circumstances of the present case;
 - ii. A reasoned order shall be passed by the respondents in case any suspension action is sought to be taken against the petitioner;
 - iii. Till the conclusion of the aforesaid exercise, the decision contained in Paragraph 7 of the impugned SCN dated 26.11.2025, shall be kept in abeyance.
11. Needless to say, the above exercise shall be subject to legal rights and



remedies of the parties.

12. The present petition stands disposed of in the above terms. Pending application also stands disposed of.

SACHIN DATTA, J

DECEMBER 22, 2025/at