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

+ W.P.(C) 4661/2026, CM APPL. 22719/2026 & CM APPL. 22720/2026

MS SWASTIK BOOT FACTORY THROUGH ITS PROPRIETOR
NEENA MAHAJANPetitioner

Through: Ms. Suriti Chowdhary, Ms. Abiha Zaidi, Ms. Arushi, Ms. Tanya Sharma, Mr. Pritam Raman Giriya, Mr. Ashish Bainsla, Advocates

versus

UNION OF INDIA AND ORS & ORS.Respondents

Through: Mr. Rohan Jaitley CGSC, Mr.Dev Pratap Shahi (GP) Mr.Akshay Sharma Adv, Mr.Varun Pratap Singh Adv, Mr.Yogya Bhatia Advocates for UOI Ms. Shweta Bharti, Mr.J.K. Chaudhary, Mr.Ankit Konwar, Mr. Prateek Singh, Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **09.04.2026**

1. The petitioner seeks the following reliefs:

“(i) Pass a writ of Certiorari or Mandamus or any other appropriate writ, order or direction, quashing and setting aside:

a. the Order dated 23.01.2026 passed by Respondent No. 1 (Impugned Order 1);

b. the suspension of the Petitioner's Government e-Marketplace Seller Portal vide system-generated email dated 08.03.2026 (Impugned Order 2) issued by Respondent No. 2; and



c. the Office Memorandum Order dated 18.03.2026 debarring/blacklisting the Petitioner for a period of 2 years from CISF procurement passed by Respondent No. 1;

as being mechanical, arbitrary, non-speaking, disproportionate, predetermined and violative of Articles 14 and 19(1)(g) of the Constitution of India and principles of natural justice;

(ii) Pass a writ of Mandamus or any other appropriate writ, order or direction, directing Respondent No. 1 to refund the amount of INR 14,60,544/- (Rupees Fourteen Lakh Sixty Thousand Five Hundred Forty Four only) (Impugned Invocation) wrongfully encashed by invocation of the PBG on 05.02.2026;

(iii) Pass a writ of Mandamus or any other appropriate writ, order or direction, directing Respondent No. 2 to withdraw the suspension imposed on the Petitioner vide system-generated email dated 08.03.2026 (Impugned Order 2) and restore and re-activate the Petitioner's Government e-Marketplace Seller Portal forthwith;

(iv) Pass a writ of Mandamus or any other appropriate writ, order or direction, directing Respondent No. 2 to permit the Petitioner to participate in and submit bids for all live and future tenders on the Government e-Marketplace Seller Portal;

(v) Pass a writ of Mandamus or any other appropriate writ, order or direction, directing Respondent No. 3 to assess all Petitioner's submissions impartially and without alluding to the aspersions cast by the Respondent No. 1; and/or

(vi) Pass any such other and further orders as this Hon'ble Court may deem fit and proper."

2. The petitioner claims to be Micro Small Medium Enterprises engaged in manufacture of footwear and was awarded a GeM contract dated 20.12.2024 by R1 for supply of 70,527 pairs of tactical boots to multiple CISF locations across India.

3. There seems to be a dispute which has resulted in taking impugned action against the petitioner. So far as the non-extension of the petitioner's contract is concerned, the justification, thereof, will have to be looked into by the competent forum. If there is an arbitration clause, the petitioner will have to undertake this remedy otherwise will have to file a civil suit. The Court cannot go into the veracity of the justification of the non-extension of



petitioner's contract.

4. With respect to second prayer *qua* email dated 08.03.2026 is concerned, learned counsel who appears for Government E-market submits that the suspension is limited to the 60 days' period and during this period, the petitioner is entitled to continue all subsisting contracts. The only impediment is not to undertake any new assignments during suspension period. The said position is, thus, clarified. The petitioner shall continue to undertake the subsisting contract and after lapse of 60 days period, shall be entitled to participate in fresh contracts as well. It be noted that out of 60 days around 33 days have already been expired.

5. With respect to challenge to order dated 18.03.2026 is concerned, the same relates to debarring/blacklisting for the period of two years from CISF procurement. This order seems to have been passed by the respondent No.1 without affording the petitioner an opportunity of hearing. The facts of the present case did not justify the denial of such hearing, and there was no reason as to why the petitioner was not granted the same. The Court thus finds that the principles of natural justice stand violated. The Supreme Court in the case of ***Erusian Equipment & Chemicals Ltd. v. State of West Bengal, (1975) 1 SCC 70***, has emphasized that the blacklisting amounts to serious civil consequences. It creates a disability by preventing a person from entering into lawful contracts with the state. Therefore, the action must be taken after affording opportunity of hearing.

6. For the said reasons, the order dated 18.03.2026 do not sustain and accordingly, is set aside. Liberty, however, is granted to the respondent to issue fresh show cause notice to the petitioner. If the fresh show cause is issued to the petitioner, shall submit its reply within 20 days from the date of



the receipt. The respondent thereafter, shall be at liberty to pass appropriate order. It be noted that if the petitioner requests for personal hearing, let the same be also acceded.

7. All rights and contentions on merits are reserved.
8. The petition along with pending applications stand disposed of.

PURUSHAINdra KUMAR KAURAV, J

APRIL 9, 2026
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