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

+ **W.P.(C) 501/2024**

MS AGNITIO INFRASTRUCTURE PROJECTS PVT LTD

..... Petitioner

Through: Ms. Pooja Singh, Mr. Vivek
Bhadauria and Mr. Vishal Srivastava,
Advs.

versus

**DIRECTOR GENERAL BORDER ROADS ORGANISATION AND
OTHERS**

..... Respondents

Through: Mr. Pavan Narang, SPC with
Mr. Rahul Kumar Sharma, GP, Mr.
Himanshu Sethi, Advocates and Mr.
Indra Prasad, AE (Civil)

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **24.01.2024**

CM APPL. 2278/2024 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 501/2024

1. The Petitioner has chosen to challenge a decision by the Board of Officers in the Border Roads Organization refusing to evaluate the Petitioner for the purposes of being engaged as technical consultant for the preparation of feasibility study (FS) and detailed project report (DPR) for construction of Road Malinye-Balua-Kapuda (net length 78.00 kms) green field alignment to NHSL specifications in the AOR of 62 RCC under 752 BRTF Project Udayak in the State of Arunachal Pradesh.



2. It is stated by learned Counsel for the Petitioner that by virtue of this evaluation, the Petitioner has been debarred and this order has been passed without any communication to the Petitioner which is contrary to the principles laid down by the Apex Court in the Gorkha Security Services v. Government (NCT of Delhi) and Ors., (2014) 9 SCC 105.

3. Mr. Pavan Narang, learned SPC for the Respondent, states that the order under challenge is not an order of debarment and it is only evaluation of the Petitioner that he should not be awarded more work in view of the fact that he has not completed the earlier works which have been awarded to him. He states that it is only a temporary feature and the moment completes the pending work gets completed the Petitioner will be considered for being awarded further work.

4. Issue notice.

5. Learned Counsel for the Respondent, accepts notice. Reply be filed within three weeks from today. Rejoinder, if any, be filed within one week thereafter.

6. List on 29.02.2024.

SUBRAMONIUM PRASAD, J

JANUARY 24, 2024
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