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

+ W.P.(C) 9580/2024

Y. K. GOYAL

.....Petitioner

Through: Mr. J.K. Nayyar and Mr. G.L.
Verma, Advs.

versus

DELHI DEVELOPMENT AUTHORITY & ANR.

.....Respondents

Through: Ms. Manika Tripathy, Standing
Counsel with Barun Dey, Adv.
for DDA

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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16.07.2024

CM APPL. 39344/2024 (Ex.)

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

W.P.(C) 9580/2024 and CM APPL. 39345/2024 (Stay)

3. The present petition under Article 226/227 of the Constitution of India is seeking setting aside of the Office Order No. 101/2024 (CIVIL) dated 02.07.2024, whereby the petitioner has been debarred from tendering in Delhi Development Authority ['DDA'], for non compliance of certain work entrusted to him *vide* Work Order issued on 12.05.2022.

4. Learned counsel for respondents/DDA is present on advance notice. She has alluded to the impugned order dated 02.07.2024 and it is pointed out that the same has been passed after due issuance of a Show Cause Notice ['SCN'] dated 13.05.2024 as well as after



considering the reply to the SCN dated 27.05.2024 by the petitioner.

5. *Per contra*, learned counsel for the petitioner has urged that the petitioner has invoked the Arbitration in terms of Clause 25 of the Work Agreement and an Award has been passed in his favour by the learned Arbitrator dated 22.05.2024. Learned counsel for the petitioner has urged that the impugned order dated 02.07.2024 has been issued with mala-fide intention, arbitrary and not sustainable in law.

6. The issue raised by the learned counsel for the petitioner requires a deeper examination.

7. Notice issued. The same is accepted. Let a reply be filed within four weeks from today.

8. In the meanwhile, the operation of the impugned order dated 02.07.2024, shall remain in abeyance.

9. Re-notify on 28.11.2024.

DHARMESH SHARMA, J.

JULY 16, 2024

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