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

+ **W.P.(C) 10822/2016 & CM No. 42421/2016**

VVC REALINFRA PRIVATE LIMITED

..... Petitioner

Through: Mr Ravindra Shrivastava, Sr.
Advocate with Mr Divyakant Lahoti,
Ms Amrita Grover, Ms Garima
Tiwari and Mr Parikshit Ahuja,
Advocates.

versus

GAIL INDIA LIMITED

..... Respondent

Through: Mr Sanjay Jain, Sr. Advcoate with Ms
Poornima Maheshwari, Ms Sneha
Suman, Mr Yuvraj Sharma and Mr D.
K. Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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03.07.2018

1. Arguments have been substantially heard. The petitioner has been debarred from participating in any contract with GAIL on the ground that it had submitted bills for the same work twice over. GAIL alleges that the petitioner in connivance with the independent consultant had claimed and received payments twice over. However, the details of the claims stated to have been made by the petitioner twice over were not specified in the show cause notice. The barring order (which is impugned in the present petition) indicates that GAIL had found a sum of ₹35,41,250/- had been paid twice over once under the 5th RA bill and once again under the 7th RA bill. The



aforesaid figure does not find any mention in the show cause notice. There is also a considerable amount of confusion as to the items which are alleged to have been billed twice over under the 5th and the 7th RA bill. In addition, the petitioner has also not been given an opportunity of being heard prior to the issuance of the blacklisting order.

2. In view of the above, learned counsel appearing for the respondent seeks time to take instructions whether the banning order can be withdrawn with liberty to the GAIL to issue fresh show cause notice clearly specifying the allegations required to be met by the petitioner.

3. It is noticed that the petitioner has already suffered the punishment imposed on the petitioner and thus the scope of the proceedings that may undertaken by the GAIL would be limited to absolving the petitioner from the stigma that is attached to any order of black listing.

4. List on 13.07.2018.

VIBHU BAKHRU, J

JULY 03, 2018
MK