



2026:DHC:8511



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

% ***Date of Decision: September 29th, 2026***

CNR No. DLHC010461002022

+ **W.P.(C) 16803/2022 & CM APPL. 53104/2022**

M/S TECHNOCRATS ADVISORY SERVICES PRIVATE
LIMITED IN ASSOCIATION WITH JAGADAMBIKE
INFRA SOLUTION PVT. LTDPetitioner

Through: Mr. M. Dutta, Sr. Adv. along
with Mr. Pavan Kumar
Chaturvedi & Mr. Anand
Kumar Soni, Advs.

versus

NATIONAL HIGHWAYS AND INFRASTRUCTURE
DEVELOPMENT CORPORATION LIMITEDRespondent

Through: Mr. Shubham Janghu, Adv.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. The petitioner, by the present petition, has challenged the impugned order dated 30.11.2022 (hereafter '**impugned order**'), passed by the respondent thereby declaring the petitioner as non performer for a period of six months or till the rectification of the deficiencies. The said order further declared that the petitioner will not be able to participate in any bid for the National Highways Projects or any other executing agencies till such time that the debarment persisted or till such time that the petitioner is removed from the list of



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non performers.

2. This Court, by an interim order dated 08.12.2022, had stayed the effect of the impugned order noting that no Show Cause Notice ('SCN') in respect of debarment proceedings was ever issued to the petitioner and, therefore, the same is contrary to para 5 of the Circular dated 07.10.2021.

3. Mr. M. Dutta, learned Senior Counsel for petitioner submits that the petitioner, since the passing of the interim order, has participated in many subsequent bids issued by the respondent and other agencies. He submits that the impugned order, in any case, was only applicable for a period of six months. Without prejudice, he submits that the petitioner has also removed the deficiencies in regard to the subject tender which is the subject matter of the present petition and has also informed the respondent in that regard.

4. Learned counsel for the respondent submits that the interim order was obtained by the petitioner by concealing material facts. He submits that the SCN was in fact issued on 11.07.2022 and 18.06.2022 specifically indicating the intention of the respondent to declare the petitioner as a non performer. He submits that in such circumstances, the contention of the petitioner that the impugned order was passed without issuing any SCN is not borne out from the record.

5. Pertinently, this Court, while passing the interim order dated 08.12.2022, specifically took note of the SCN dated 18.06.2022. It was, however, rightly noted that the said notice though indicated the intention of the respondent to declare the petitioner as a non



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performer, however, the same was not a SCN in terms of paragraph 5 of the circular indicating the intention of the respondent to debar the petitioner from further participation. Therefore, the impugned order remains to have been passed without specific SCN in regard to the intention of the respondent to debar the petitioner. The same, therefore, in the opinion of this Court, cannot be sustained.

6. Even otherwise, much water has flown since the filing of the present petition. As submitted, the petitioner has since participated in many bids and is also stated to have rectified the deficiencies which were pointed out in the impugned order.

7. Considering the aforesaid, no purpose would be served by keeping the present dispute alive. Once, it remains undisputed that no specific SCN was issued in regard to the debarment of the petitioner, the impugned order cannot be allowed to sustain. The same is, consequently, set aside.

8. The present petition is disposed of in the aforesaid terms. Pending application also stands disposed of.

AMIT MAHAJAN, J

SEPTEMBER 29, 2026

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