



2026:DHC:2661



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment pronounced on: 30.03.2026

+ W.P.(C) 9613/2024 and CM APPL.39451/2024

INTERTEK INDIA PRIVATE LIMITED .....Petitioner

Through: Mr. Darpan Wadhwa, Sr. Adv. along with Ms. Sarul Jain, Mr. Amer Vaid, Ms. Divita Vyas, Advocates and Mr. Saurabh Malhotra, AR.

versus

UNION OF INDIA & ORS. ....Respondents

Through: Mr. Abhishek Goyal and Ms. Megha Anand, Advocates along with Mr. Ashwani Bharti (AGM, BHEL), Mr. Amardeep Srivastava (DGM, BHEL), Mr. Abhishek Arora (Manager, BHEL) and Mr. Amol Aggarwal (Manager, BHEL).  
Ms. Shweta Bharti, Ms. Tejaswini Chandrasekhar, Ms. Nikita Sharma and Ms. Nishi Rathore, Advocates for R-3.

**CORAM:**  
**HON'BLE MR. JUSTICE SACHIN DATTA**

### JUDGMENT

1. The present writ petition has been filed by the Petitioner/Intertek India Pvt. Ltd., under Article 226 of the Constitution of India, assailing the order dated 31.05.2024 (“Impugned Debarment Order”) issued by Respondent No. 2/Bharat Heavy Electricals Limited (“BHEL”), whereby the Petitioner has been debarred from business dealings with all units/regions of BHEL for a period of two years with effect from the date of interim suspension i.e. 02.02.2024.

2. The Petitioner also impugns the subsequent order dated 29.06.2024



(“Impugned Suspension Order”) passed by Respondent No. 3/Government e-Marketplace (“GeM”), whereby the Petitioner’s GeM portal account has been suspended for a period of 365 days (starting from 29.06.2024), effectively disabling the Petitioner from participating in tenders floated by all government entities/ departments/ organisations/ministries through the GeM platform.

3. In the present petition, the Petitioner seeks the following reliefs:

- “1) issue an appropriate writ, order or direction in the nature of Mandamus thereby quashing / setting aside the Impugned Debarment Order dated 31.05.2024 for “Debarment of Business Dealings with the Intertek India Pvt. Ltd.” and any other similar direction / stay / action / order passed by Respondent No. 2 against the Petitioner (Annexure P-1);*
- 2) issue an appropriate writ, order or direction in the nature of Mandamus thereby directing the Respondents No. 3 to immediately revoke / set aside / quash the Impugned Suspension Order dated 29.06.2024 thereby allowing the Petitioner to participate in tenders pertaining across all government bodies / departments / organizations / ministries / states etc. (Annexure P-2);*
- 3) issue an appropriate writ, order or direction in the nature of Mandamus thereby directing the Respondents No. 3 to allow immediate access to the Petitioner to its GeM Portal Account (Annexure P-2);*
- 4) issue an appropriate writ, order or direction in the nature of Mandamus thereby directing the Respondents No. 2 & 3 to not to take any other or further coercive action against Petitioner;*
- 5) to pass such other interim measures or protection as may appear to this Hon’ble Court to be just and convenient, may also be passed in favour of the Petitioner; and*
- 6) to pass such other and further orders as this Hon’ble Court may deem fit and proper in the interest of justice.”*

4. The Petitioner is a subsidiary company of Intertek Group Plc., UK, engaged in the business of providing services of total quality insurance, including assurance, testing, inspection and certification (ATIC) services, including third-party inspection services for industrial equipment and materials, to its customers including Government/PSU entities. The Respondent No. 2/ BHEL, is a Government of India undertaking under the Department of Heavy Industry, Ministry of Heavy Industries and Public Enterprises, while the



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Respondent No. 3/ GeM is a digital e-commerce portal for procurement and selling of goods and services which facilitates online procurement of common use goods and services required by various Government Departments / Organizations / PSUs.

### **FACTUAL MATRIX**

5. On 27.12.2023, Respondent No. 2/ BHEL floated a tender *vide* Tender No. NIT No: GEM/2023/B/4397848 for Tender for Rate Contract with Third Party Inspection Agency for the years 2024 to 2026 for ‘inspection of brought-out items only’ on the GeM portal. This tender was to procure third party inspection agency for conducting inspection of bought out items like mechanical, electrical, instrumentations etc. to be used at various facilities/ units of vendors of the Respondent No.2 located across India.

6. The Petitioner participated in the said tender process and submitted its bid on 02.01.2024, along with requisite documents and an Earnest Money Deposit (“EMD”) of Rs. 20,00,000/- furnished through a bank guarantee. In support of its bid, the Petitioner submitted details of 129 inspection engineers, including their curriculum vitae, identification documents, qualifications and relevant certification records.

7. Among the documents submitted by the Petitioner, were 39 Non Destructive Testing (“NDT”) certificates, which had been issued by M/s Techniqo Corporation, bearing the signatures of one Mr. Baldev Patel, stated to be a Level-III NDT trainer. According to the Petitioner, its bid was technically compliant and accompanied by all necessary documents as required under the tender conditions.

8. During the course of the technical evaluation of the bid, Respondent No. 2 raised a series of technical queries seeking clarifications and supporting



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documents in respect of the inspection engineers and their credentials. The first such technical query was raised on 16.01.2024, followed by additional queries and clarifications between January and early February 2024, requiring the Petitioner to submit further details and supporting documentation with respect to the qualifications and certifications of the inspection engineers, including the NDT certificates issued by M/s Techniqo Corporation.

9. The Petitioner responded to the said queries from time to time and furnished the documents as sought by Respondent No. 2. During this process, Respondent No. 2 also sought verification of certain NDT certificates which had been issued under the signatures of one Mr. Baldev Patel.

10. On 03.02.2024, representatives of the Petitioner attended a meeting at the office of Respondent No. 2 to discuss the technical queries that had been raised during the tender evaluation process. Shortly thereafter, Respondent No. 2 received a Show Cause Notice dated 02.02.2024, alleging that the Petitioner had furnished forged NDT qualification certificates in respect of 37 inspection engineers, purportedly issued by M/s Techniqo Corporation and signed by one Mr. Baldev Patel.

11. By way of the said show cause notice, the Petitioner was placed under interim suspension and was called upon to submit its response explaining as to why action in accordance with the “Guidelines For Suspension Of Business Dealings with Suppliers/ Contractors” should not be initiated against it.

12. The Petitioner submitted a detailed reply to the said Show Cause Notice on 14.02.2024, along with supporting documents and communications received from M/s Techniqo Corporation affirming the authenticity of the NDT certificates in question. The Petitioner also requested for it to be granted a personal hearing in the matter.



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13. Notwithstanding the above, Respondent No. 2, on 23.02.2024, disqualified the Petitioner from the tender process and proceeded to suspend/blacklist it from the business dealings within the Respondent No.2 organization. Subsequent communications were also issued indicating that the existing inspection contracts of the Petitioner with Respondent No. 2 were proposed to be short-closed prior to their contractual expiry.

14. Aggrieved thereby, the Petitioner issued a legal notice dated 09.03.2024 to Respondent No. 2 calling upon it to withdraw the aforesaid Show Cause Notice, revoke the suspension order, refund its EMD and withdraw other adverse actions taken against the Petitioner. As the dispute remained unresolved, the Petitioner approached this Court by way of W.P.(C) 4698/2024 challenging the suspension and related actions of the Respondent No. 2.

15. The said writ petition came to be disposed of by this Court on 02.04.2024, upon the statement made on behalf of Respondent No. 2 that the Petitioner had not been blacklisted, but was only placed under interim suspension, and that a personal hearing would be granted to the Petitioner in respect of the Show Cause Notice on 10.04.2024.

16. Thereafter, Respondent No. 2 issued an Additional Show Cause Notice dated 03.04.2024, raising further queries in relation to certain additional certificates signed by one Mr. Deepak Kushwah submitted by the Petitioner in support of the qualifications of its inspection engineers. The said Notice was issued on the basis of an email dated 13.02.2024 sent by Mr. Deepak Kushwah, denying the authenticity of the training certificates issued under his signature.

17. On 10.04.2024, the Petitioner submitted its response to the Additional Show Cause Notice, affirming that as per a clarification sought from M/s Techniqo Corporation, Mr. Deepak Kushwah *vide* email dated 04.04.2024



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confirmed the authenticity of the certificates as specified in the Additional Show Cause Notice, and further stated that he had sent the aforesaid email dated 13.02.2024 *under force and duress of one of NDT level-III trainer with Techniqo*. Thereafter, on 10.04.2024, the Petitioner participated in a personal hearing conducted by the Respondent No.2.

18. Subsequently, notwithstanding the aforesaid communications, *vide* order dated 31.05.2024, Respondent No. 2 passed the impugned order debarring the Petitioner from business dealings with all units/regions of BHEL for a period of two years with effect from the date of interim suspension i.e. 02.02.2024.

19. Following the said order, Respondent No. 2 reported the incident on the GeM portal, pursuant to which Respondent No. 3 issued a show cause notice to the Petitioner and ultimately passed an order dated 29.06.2024, suspending the Petitioner's GeM portal account for a period of 365 days, thereby preventing the Petitioner from participating in tenders across government departments and public sector undertakings through the GeM platform.

20. Aggrieved by the aforesaid actions, the Petitioner has filed the present writ petition assailing the Impugned Debarment and Suspension Orders dated 31.05.2024 and 29.06.2024 respectively.

21. During the course of hearing, *vide* order dated 06.09.2024 passed by this Court, it was made clear that the impugned actions taken by the Respondents was only with respect to Respondent No.2's organisation, and not for all government departments/ PSUs across the GeM Portal. The said order *inter-alia* reads as under:

"4. Counsel for Respondent No. 2 states that their intent was only to suspend the Petitioner with respect to tenders floated by them on the portal of Respondent No. 3, however, according to them, they selected the right category while reporting the incident on GeM portal.



5. In light of the above, it clearly emerges that the debarment of the Petitioner as intended by Respondent No. 2 was only for their organisation. Therefore, necessary directions are required to be issued by this Court, so that the GEM Portal, does not suspend the Petitioner for all other tenders floated by any Government organisation. To this effect, counsel for Respondent No. 3 states that the framework of their system requires the incident reporting to be amended or closed by the procuring entity – i.e., Respondent No. 2 and accordingly necessary directions ought to be issued to Respondent No. 2. Thus, it is directed that both Respondent Nos. 2 and 3 will coordinate with each other so that the incident report generated by Respondent No. 2 is suitable amended and the suspension of the Petitioner is confined only with respect to the tenders pertaining to Respondent No. 2 on the GEM Portal.

6. It is made clear that the question as to whether the incident report has to be generated afresh or whether the previous one ought to first be closed or amended, is an issue that both Respondents No. 2 and 3 must sort out on their own. They shall nonetheless ensure that the suspension of the Petitioner is confined only with respect to tenders of Respondent No. 2. The above directions of the Court are to be complied with within a period of five days from today.”

22. Therefore, it is clear that the issue which needs to be decided herein is with respect to the debarment and suspension actions of the Petitioner across the units of the Respondent No.2 only.

### **SUBMISSIONS ON BEHALF OF THE PETITIONER**

23. Learned counsel for the Petitioner submits that the impugned action of Respondent No. 2 is arbitrary, violative of the principles of natural justice and has been taken without proper consideration of the material placed on record by the Petitioner. It is contended that the allegations regarding the alleged falsity of the NDT certificates issued by M/s Techniqo Corporation were based solely on an alleged denial by one Mr. Baldev Patel.

24. It is submitted that, prior to issuance of the Show Cause Notice dated 02.02.2024, Respondent No. 2 had raised multiple technical queries in relation to the bid but had never indicated any allegation regarding the certificates being



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forged, or the alleged telephonic denial dated 08.01.2024 by one Mr. Baldev Patel. The Petitioner submits that the Show Cause Notice was therefore issued abruptly without affording any prior opportunity to clarify the issue.

25. It is further submitted that the Petitioner had duly responded to the Show Cause Notice *vide* reply dated 14.02.2024, enclosing supporting documents and communications received from the proprietor of M/s Techniqo Corporation affirming the authenticity of the certificates in question. The Petitioner also produced bank statements, WhatsApp communications and other material to demonstrate the professional association between M/s Techniqo Corporation and Mr. Baldev Patel. In addition, affidavits of the concerned inspection engineers as well as the proprietor of M/s Techniqo Corporation, Mr. Nitesh Patel, were placed on record confirming that the training had indeed been imparted and that the certificates had been issued under the seal and signature of the said entity. It is submitted that these materials were neither properly considered nor discussed in the Impugned Debarment Order.

26. It is emphasised that there was no occasion for the Respondent No.2 to accept the uncorroborated doubtful version incorporated in the stray email dated 20.01.2024 sent by Mr. Baldev Patel. It is further submitted that the disproportionate nature of the Debarment Order is evident from the fact that the petitioner has successfully performed various contracts for the Respondent No.2 since the last seventeen years with an unblemished record.

27. Learned counsel for the Petitioner further contends that even prior to the completion of the show cause proceedings, Respondent No. 2 had already proceeded to disqualify and suspend the Petitioner from the tender process on 23.02.2024, which was reflected on the GeM portal without any formal communication being made to the Petitioner. It is submitted that such action



demonstrates that the decision had been taken with a predetermined mind and without granting the Petitioner a meaningful opportunity of personal hearing. Although a personal hearing was subsequently granted pursuant to directions of this Court in W.P.(C) 4698/2024, it is submitted that the same was a mere formality and the explanations and documentary evidence furnished by the Petitioner were not addressed in the final debarment order dated 31.05.2024.

28. It is further argued that the Impugned Debarment Order dated 31.05.2024 is a non-speaking order and does not record any reasons for rejecting the explanations and evidence submitted by the Petitioner. Learned counsel submits that an order of debarment, which has serious civil consequences and effectively prevents an entity from participating in public procurement processes, must necessarily be supported by cogent reasons and must reflect due consideration of the defence put forth by the affected party.

29. In support of the aforesaid contention, reliance is placed on the decision in *Mekaster Trading Corporation v. Union of India & Ors.*, 2003 (71) DRJ 376, wherein it has been held that an order debarring a party from participating in government tenders cannot be passed in a summary or mechanical manner and must disclose proper application of mind to the reply and material placed by the affected party.

30. Learned counsel for the Petitioner also assails the subsequent suspension of the Petitioner's account on the GeM portal by Respondent No. 3. It is contended that the debarment order passed by Respondent No. 2 was confined only to business dealings with BHEL and did not extend to other government departments or public sector undertakings. However, Respondent No. 3, by invoking the automated incident management mechanism under the GeM portal, suspended the Petitioner across the entire platform for a period of one year,



thereby effectively preventing the Petitioner from participating in tenders floated by all government entities.

31. It is submitted that such action is contrary to Clause 2.2(iii)(c) of the Incident Management Policy of the GeM portal, which stipulates that where a debarment order is passed by a particular buyer organisation, the consequences are ordinarily confined to that organisation alone unless the debarment is issued by the Department of Expenditure. According to the Petitioner, the automated suspension across the entire platform has resulted in a disproportionate and excessive penalty, amounting to a form of “civil death” for the Petitioner in the public procurement ecosystem.

### **SUBMISSIONS ON BEHALF OF BHEL/RESPONDENT NO.2**

32. Learned counsel for Respondent No. 2 submits that BHEL procures critical materials for power plant equipment, where quality directly impacts safety and performance. To ensure compliance, it follows a strict quality framework, including Non-Destructive Testing (NDT) by certified professionals. It is submitted that given the serious risks of defects, utmost importance is placed on the authenticity and validity of bidders’ qualifications and certifications.

33. It is submitted that pursuant to the issuance of the NIT dated 27.12.2023, BHEL examined certain NDT training certificates submitted by the Petitioner, including 37 Radiographic Testing certificates issued by M/s Techniqo Corporation and bearing the signatures of one Mr. Baldev Patel. It is submitted that upon contacting Mr. Baldev Patel on 09.01.2024 and subsequently forwarding the certificates to him by email dated 12.01.2024 for confirmation, he informed BHEL *vide* email dated 20.01.2024 that he had not issued the said certificates, thereby raising serious doubts regarding their authenticity.



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34. Learned counsel further submits that while the Petitioner's response to the Show Cause Notice dated 02.02.2024 was awaited, BHEL contacted another NDT trainer, one Mr. Deepak Kushwaha, who had allegedly issued 81 additional certificates to the Petitioner's engineers through M/s Techniqo Corporation. It is stated that Mr. Kushwaha initially responded to BHEL's email dated 12.02.2024 confirming through his email dated 13.02.2024 that the certificates bearing his signatures were 'not genuine'. However, subsequently on 04.04.2024, Mr. Kushwaha retracted from his earlier communication citing coercion.

35. Learned counsel submits that the Petitioner replied to the Show Cause Notice on 14.02.2024, contending that the denial by Mr. Baldev Patel was attributable to a financial dispute between him and M/s Techniqo Corporation. It is submitted that the Petitioner failed to produce any direct evidence from Mr. Baldev Patel confirming the authenticity of the certificates. It is further submitted that the alleged financial dispute between Mr. Baldev Patel and M/s Techniqo Corporation was not a matter which Respondent No.2 could adjudicate.

36. It is submitted that even during the personal hearing afforded to the Petitioner, no material was produced to establish any professional association between Mr. Baldev Patel and M/s Techniqo Corporation or to demonstrate that the certificates had indeed been issued by him.

37. It is further submitted that the Petitioner cannot avoid responsibility for the authenticity of documents submitted by it during the tender process. In terms of the declarations and undertakings forming part of the tender documents, the bidder bears the sole responsibility for verifying the correctness and genuineness of the documents furnished along with its bid. It is therefore



contended that the Petitioner cannot shift the burden onto the Respondent No.2 by relying upon alleged disputes between third parties.

38. Learned counsel places reliance upon the decisions of the Supreme Court in *Kulja Industries Ltd. v. Chief General Manager, W.T. Project, BSNL*, (2013) 14 SCR 430, *VetIndia Pharmaceuticals Ltd. v. State of Uttar Pradesh*, (2020) 9 SCR 607 *State of Odisha v. M/s Panda Infraproject Ltd.*, (2022) 2 SCR 183 and *Gorkha Security Services v. Government of NCT of Delhi*, (2014) 13 SCR 617 to contend that the power to blacklist or suspend business dealings is inherent in the contracting authority, subject to observance of principles of natural justice.

### **SUBMISSIONS ON BEHALF OF GeM/ RESPONDENT NO.3**

39. Learned Counsel for the Respondent No.3 submits that GeM functions merely as an intermediary platform between buyers and sellers, facilitating procurement transactions through a largely automated and trust-based system premised on self-declaration by the participating entities. According to Respondent No.3, in view of the large volume of transactions and incidents reported on the portal on a daily basis, the platform operates through automated processes under the Incident Management Policy (“IM Policy”) to ensure transparency, accountability and integrity in the procurement process.

40. Learned counsel submits that the Respondent No.2, upon passing the order dated 31.05.2024 debaring the Petitioner for a period of two years from dealing with it, created an incident on the GeM portal. However, while creating the said incident, Respondent No.2 selected the reason “submission of fake documents or false statement”, which is not one of the debarment reasons contemplated under Clause 2.2(iii) of the IM Policy. Consequently, the system



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categorized the incident as a “grave deviation” under the IM Policy and the procedure under Clause 3.4 of the policy became applicable. Learned counsel submits that the consequence flowing from such categorization is governed by the automated system of the portal and not by any discretionary action of Respondent No.3.

41. It is further submitted that pursuant to the incident being created, the system automatically issued a show cause notice dated 18.06.2024 to the Petitioner requiring a response within ten days, failing which automated action would follow. In these circumstances, the automated process of the portal was triggered and the Petitioner’s account was automatically suspended for a period of one year across the GeM portal.

42. It is thus contended that the actions taken on the GeM portal were strictly in accordance with the provisions of the IM Policy and that Respondent No.3 cannot be held responsible either for the choice of incident category selected by Respondent No.2 or for the Petitioner’s failure to respond to the show cause notice or avail the remedy of appeal.

### **FINDINGS AND CONCLUSION**

43. I have considered the submissions advanced by respective counsels for the parties and perused the material placed on record. The Impugned Debarment Order dated 31.05.2024, is as under:



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भारत हेवी इलेक्ट्रिकल्स लिमिटेड  
Bharat Heavy Electricals Limited  
कॉर्पोरेट गुणता एवं व्यावसायिक उत्कृष्टता, नई दिल्ली  
Corporate Quality & Business Excellence, New Delhi

Ref No: NIT No: GEM/2023/B/4397848 dated 27-12-2023- Hiring of Third Party Inspection Agency

By Email/ Speed Post

Date: 31/05/2024

To

M/s Intertek India Pvt Ltd, New Delhi  
Address: E-20, Block B1, Mohan Co-operative Industrial Area  
Mathura Road, New Delhi- 110044  
India

Email Id: [sandeep.das@intertek.com](mailto:sandeep.das@intertek.com)/ [nagendra.singh@intertek.com](mailto:nagendra.singh@intertek.com)

**Subject: Order for Debarment of Business Dealings with M/s Intertek India Pvt Ltd, New Delhi**

**Reference:**

1. Show Cause Notice issued by BHEL to M/s Intertek dated 02.02.2024 (Ref No: NIT No: GEM/2023/B/4397848 dated 27-12-2023- Hiring of Third Party Inspection Agency
2. M/s Intertek reply against Show Cause Notice dated Ref. dated 14.02.2024
3. Personal Hearing of M/s Intertek held at BHEL, New Delhi on 10.04.2024 (Refer Minutes of Personal Hearing dated 10.04.2024)

BHEL had issued show cause notice vide above reference (1), to explain as to why the proceedings for suspension of business dealings with M/s Intertek India Pvt. Ltd for debarment across BHEL for all item(s)/ material category(ies)/ type of work(s) for period of 2 (two) years should not be initiated, as your firm is found to have submitted false/ forged NDT certificates in the bid documents against NIT No: GEM/2023/B/4397848 dated 27-12-2023. It was mentioned in the Show Cause Notice that your firm is placed on Interim Suspension and that you need to submit your reply within fifteen days of issue of Show Cause Notice

BHEL received M/s Intertek reply vide above mentioned reference (2) and same have been put up for further consideration by competent authority and subsequently on request of M/s Intertek, personal hearing was given to M/s Intertek on 10.04.2024

Further necessary action was initiated as per extant BHEL's Guidelines for Suspension of Business Dealing with Suppliers/ Contractors, and it is informed that Competent Authority of BHEL has recommended debarment across BHEL (vide approval dated 30.05.2024) for **M/s. Intertek India Pvt Ltd.**, E-20, Block B1, Mohan Co-operative Industrial Area, Mathura Road, New Delhi- 110044, India, PAN No: AAAC16890F, from doing any business with all Units/ Regions of BHEL for a period of two years from the date of interim suspension (i.e. **02.02.2024**)

**Reason for Debarment:**

M/s Intertek is found to have submitted forged NDT certificates in support of Tender Documents for the tender floated by BHEL- CQ&BE, Delhi vide NIT No: GEM/2023/B/4397848 dated 27-12-2023 for Hiring of Third Party Inspection Agency

**Period of Debarment:**

The period of debarment shall be date of interim suspension placed on M/s Intertek India Pvt Ltd w.e.f. **02.02.2024 for a period of two years i.e. upto 01.02.2026**

*Handwritten signature*



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**Further Action:**

Registration of M/s Intertek India Pvt Ltd debarred across BHEL shall be deemed to have been cancelled automatically. M/s Intertek once debarred across BHEL shall have to seek fresh registration in respective BHEL Unit(s)/ Region(s) on lifting of debarment across BHEL. The lifting of debarment after completion of debarment period shall be automatic.

**Treatment of Contracts:**

Accordingly, M/s Intertek India Pvt Ltd, E-20, Block B1, Mohan Co-operative Industrial Area, Mathura Road, New Delhi- 110044, PAN No: AAACI6890F, will not be eligible to participate in any tender from any Unit/ Region of BHEL. Any offer (existing offers/ new offers) submitted by or on behalf of- (M/s Intertek India Pvt Ltd Company PAN No: AAACI6890F) will not be entertained by BHEL. Contracts already entered into before the date of issue of the order of debarment across BHEL shall not be affected.

Kindly acknowledge the receipt of this order.

For and on behalf of BHEL.

  
31/5/24  
Amol Aggarwal  
Manager (CQ&BE)  
BHEL Corporate Office, New Delhi

44. As can be seen, the gravamen of the allegation against the Petitioner, as set out in the aforesaid debarment order, is as under:

*“M/s Intertek is found to have submitted forged NDT certificates in support of Tender Documents for the tender floated by BHEL-CQ&BE, Delhi Vide NIT No: GEM/2023/B/4397848 dated 27-12-2023 for Hiring of Third Party Inspection Agency”*

45. Apart from the aforesaid cryptic observation/allegation, the Impugned Debarment Order does not contain any discussion or reasoning, explaining how it arrived at the conclusion as regards submission of forged certificates. It is also noticed that the Impugned Order does not deal with the detailed response furnished by the Petitioner to the Show Cause Notice dated 02.02.2024 issued by the Respondent No.2. In its reply dated 14.02.2024, the Petitioner had sought to substantiate its version of events by placing reliance on several documents,



including the following:

- a) Signed Service Agreement between Petitioner and M/s Techniqo Corporation for providing NDT as well as other process Training and Certification;*
- b) Emails and correspondence exchange between Petitioner and M/s Techniqo Corporation qua Training and certification;*
- c) Invoices by M/s Techniqo Corporation for providing such services;*
- d) Letter from M/s Techniqo Corporation confirming that all 37 Certificates to Engineers of Petitioner have been issued by M/s Techniqo Corporation and are authentic;*
- e) Confirmation by M/s Techniqo Corporation that it has engaged Mr. Baldev Patel for such training and certification*
- f) Bank account statements as Proof of payment by M/s Techniqo Corporation to Mr. Baldev Patel for such training and certification;*
- g) Communication / email exchange from M/s Techniqo Corporation submitting records of batch wise training and attendance sheet of such Engineers of Petitioner; and*
- (h)Proof of revalidation of certificates by another Trainer etc.”*

46. Further, in its additional reply dated 10.04.2024, the Petitioner furnished the following documents:

- “(a) Affidavit of Mr. Nitesh Patel Proprietor M/s Techniqo Corporation for providing NDT as well as other process Training and Certification to engineers of Petitioner through its own Level-III NDT Trainer namely Mr. Baldev Patel;*
- (b) Affidavits of all 37 Inspection Engineers of Petitioner in question, stating to have undergone, training, examination and certification of NDT Testing through M/s Techniqo Corporation alongwith their travel proofs to Ahmedabad for training alongwith attendance sheets etc;*
- (c) Proof of payment to M/s Techniqo Corporation in lieu of its engagement for providing services qua NDT training and certification;*
- (d) Proofs of correspondence between M/s Techniqo Corporation and Mr. Baldev Patel qua various trainings and issuance of certificates to various Engineers etc.”*

47. However, a perusal of the Impugned Debarment Order shows that none of the aforesaid documents or explanations furnished by the Petitioner even find a reference in the said order. The impugned Debarment Order merely records the conclusion that the certificates were forged, without disclosing any application of mind as to the material relied upon by the Petitioner, much less does it



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disclose any reason/s for rejecting the explanation / version given by the Petitioner.

48. Even a perusal of the report/recommendations dated 25.04.2024 passed by the internal committee of Respondent No.2, (which was produced before this Court during the course of hearing on 01.09.2025) does not contain any discussion dealing with the aforesaid documents furnished by the Petitioner. In effect, the material placed by the Petitioner in its defence has not been meaningfully considered while arriving at the decision to debar the Petitioner.

49. This Court also takes note of the fact that each of the 37 inspection engineers, whose NDT certificates were alleged to be fabricated, have filed affidavits affirming that they had, in fact undergone the requisite training through M/s Techniqo Corporation and that the certificates had been issued to them upon completion of their training programme. One such affidavit placed on record states that the concerned engineer had attended the training conducted at Ahmedabad and had successfully completed the certification programme conducted through M/s Techniqo Corporation, under the signature and stamp of Mr. Baldev Patel. The said affidavit is reproduced hereinbelow:

**AFFIDAVIT**

I, Amit Low aged 33 years son of Sh. Hiren Low resident of Basudevpur, Jemari, Bardhaman, West Bengal 713335, working as INSPECTION ENGINEER with Intertek India Pvt. Ltd. having its registered office at E-20, Block B-1, Mohan Cooperative Industrial Area, Mathura Road, New Delhi – 110044, presently at Kolkata, West Bengal do hereby solemnly affirm and declare as under—

I say that I am a law-abiding citizen of India and possess Degree in Bachelor of Engineering in Mechanical.

**SUJATA GHOSH DAS**  
Notary, Govt. of W.B.  
Regd. No. 014/22  
City Sessions Court, Kolkata

**08 APR 2024**



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2. I say that I am employed with Intertek India Pvt. Ltd. with my employment ID No. 2058307.
3. I say that during the course of my employment with Intertek India Pvt. Ltd., in the year 2023, I had undergone NDT (Non-Destructive Testing) Level-II (Radiography) Training and Certificate was issued by M/s Techniqo corporation under the signature and stamp of M/s Techniqo corporation as well as NDT Level III Mr. Baldev Patel.
4. I say that my said online theoretical training was conducted for 80 hours in the month of May, 2023 and Viva over the phone was conducted on 26-05-2023 and after due evaluation / examination, I was issued Certificate No. TC/RT-075 (Enrolment No. TC-2023-045) dated 27-05-2023. A true copy of the said Certificate is attached with this affidavit as 'Annexure A'.
5. I say that my said training was sponsored by my employer i.e. Intertek India Pvt. Ltd.

**DEPONENT  
VERIFICATION**

I, the abovenamed deponent does hereby verify that the contents of the above affidavit are true and correct to best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Kokata, West Bengal on this 8<sup>th</sup> of April, 2024.

**DEPONENT**

50. In addition, the Petitioner has placed on record an affidavit of one Mr. Nitesh Patel, proprietor of M/s Techniqo Corporation, wherein it has been stated that the engineers of the Petitioner had undergone the requisite NDT training and that the certificates in question were issued in the ordinary course of such training programmes. The said affidavit further affirms that the training was provided by Mr. Baldev Patel and Mr. Deepak Kushwaha. The same is reproduced hereunder:



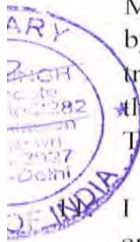
2. I say that I am qualified B.E (Production) Engineer and also certified as NDT Level-III (Certificate No: 208474) by ASNT in the methods Ultrasonic Testing and Magnetic Particle testing (UT &MT).
3. I say that when I was attending my examination for NDT Level-III in Mumbai in the year 2012 I met Mr. Baldev Laljibhai Patel who is also NDT LEVEL-III Certificate holder in various NDT methods and developed good friendship with him. Subsequently he was also found be of family friend. Since then, I was referring various candidates to him for NDT LEVEL-II Training and certification as well as renewal of certificates from time to time.
4. I say that in the year 2021 when I started my said proprietorship concern I started working in association with Mr. Baldev Laljibhai Patel (NDT LEVEL-III Certificate no 200510), Mr.Deepak Kushwaha (NDT LEVEL-III Certificate No 204705) and Mr. Mukesh Sengar (NDT Level-III Certificate no 191336).
5. I say that in the course of said association Mr. Baldev Laljibhai Patel introduce Intertek India Private limited in the month of Nov 2021 for imparting training & certification to the candidates sponsored by Intertek India Pvt ltd. And accordingly, M/s Techniqo corporation entered into an agreement dated 19.11.2021 with Intertek India Pvt ltd. for providing NDT Training and certification to Inspection engineers sponsored by Intertek India Pvt ltd. as par SNT-TC-1A-2020 edition.
6. I say that pursuant to the said agreement M/s Techniqo Corporation provided training and certification to about 61 candidates sponsored by Intertek India Pvt. Ltd. in various NDT Methods. Each candidate was trained and certified in (Ultrasonic Testing-UT, Magnetic Particle Testing- MPT, Radiography Testing-RT, Penetrant Testing-PT/LPT & Visual Testing-VT). In reference to these 61 candidates 58 NDT certificates in RT method were issued by M/s Techniqo corporation under signature and stamp of Mr. Baldev Laljibhai Patel where as 3 NDT certificates in RT methods were issued by mistake under the signature and stamp of Mr. Deepak Kushwaha which was subsequently rectified.
7. I state that apart from above mentioned 61 candidate's M/s Techniqo corporation, also provided renewal certificates to additional two candidates of Intertek India Pvt. Ltd. in Leak Testing-LT and Eddy Current Testing-ECT respectively.



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8. I say that in regard to the above mention 2 candidates in LT and ECT their renewal Certificates where also issued by Mr. Baldev Laljibhai Patel on 21st January 2024 separately at my request.
9. I say that all NDT certificates (i.e.in Methods UT, MT, RT, PT& VT including LT &ECT) are issued to all these 63 candidates of Intertek India Pvt Ltd. are genuine and authentic and the same were issued after their due training and examination as per SNT-TC-1A- 2020 edition as they were already certified.
10. I say that Intertek India Pvt. Ltd. had intimated that Bharat Heavy Electrical Limited (BHEL) issued to them a show cause notice dated 02.02.2024 raising question about authenticity of 37 NDT Certificates in RT method issued by M/s Techniqo corporation and signed by Mr. Baldev Patel ( NDT Level-III ) by alleging that Mr. Baldev Patel informed BHEL that neither he had imparted training to those 37 numbers of inspection engineers nor signed and stamped the certificates and further that he has no tie ups or partnership with M/s Techniqo corporation.



I say that as was already communicated to Intertek India Pvt. Ltd. through email communication with supporting documented evidences, all these 37 numbers of NDT Certificates are authentic/genuine and were duly issued by M/s Techniqo corporation under the signature and stamp of Mr Baldev Patel after their Training as per SNT-TC-1A-2020 edition. Therefore it is wrong on the part of Mr. Baldev Patel to deny that he neither had imparted training to those 37 number of inspection engineers not signed and stamped the

certificates or that he has no tie ups or partnership with M/s Techniqo corporation. These certificates were further re-authenticated by Mr. Mukesh Sengar (NDT Level-III in RT, UT & PT).

12. I say that towards issuance of these 37 NDT certificates including other NDT certificates that is total amounting 61 numbers of NDT certificates signed and stamped by Mr. Baldev Patel, I have also paid to Mr. Baldev Patel in cash as per his request towards certification. In fact even after giving wrong statement to BHEL regarding no tie up or partnership on 08.01.2024 though phone and by email dated 20.01.2024 as alleged in show cause notice of BHEL. Mr. Baldev Patel on 21.01.2024 issued LT & ECT renewal certificates in relation to two inspection engineers of Intertek India Pvt Ltd. Namely Mr. Mahesh Chaudhary and Mr. Mannen Subba Rayudu through me and he also received payment from me for issuance of these renewal certificates which in itself clearly shows that Mr. Baldev Patel was working in association and partnership with M/s Techniqo corporation but he deliberately made false statement to BHEL for reasons best Known to him.
13. I say that like Mr. Baldev Patel, Mr. Deepak kushwah also working in association with M/s Techniqo corporation and has been providing training, examination and certification for M/s Techniqo corporation in LPT/PT and VT Methods and had issued certificate in those methods to inspection engineers of Intertek india Pvt Ltd. After their due training and examination as has already been confirmed by him to BHEL vide his email Dated 04.04.2024.



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51. The Petitioner has also produced documentary material reflecting communications and correspondences exchanged between M/s Techniqo Corporation and Mr. Baldev Patel relating to the conduct of NDT training programmes and issuance of certificates. Further, proof of payments made towards the training and certification services have also been placed on record. The said documents confirm the association of Mr. Baldev Patel with M/s Techniqo Corporation.

52. It is pertinent to note that once conflicting versions had emerged between M/s Techniqo Corporation and the alleged trainer Mr. Baldev Patel, it was incumbent upon Respondent No.2 to carry out at least a minimal verification exercise instead of proceeding solely on the one sided version (sent by email) by a person, who has remained virtually incognito, and with whom the Respondent No.2 has no contact whatsoever.

53. It is further noted that an Additional Show Cause Notice dated 03.04.2024 was issued on the premise that Mr. Deepak Kushwaha, *vide* his email dated 13.02.2024, had denied imparting training to the Petitioner's inspection engineers, thereby casting doubt on the validity of 81 NDT certificates issued to the Petitioner's engineers. However, the Impugned Order does not take cognizance of the fact that the said statement was subsequently retracted by Mr. Kushwaha himself by way of a subsequent email dated 04.04.2024 addressed to M/s Techniqo Corporation, whereby he clarified that the earlier email dated 13.02.2024 had been written under the force and duress of another trainer associated with M/s Techniqo Corporation. This subsequent clarification, which directly bears upon the very foundation of the allegation contained in the Additional Show Cause Notice, has not even been adverted to or considered in the Impugned Debarment Order.



54. The controversy concerning the email/s addressed by Mr. Deepak Kushwaha only serves to emphasise the inherent pitfalls of taking the drastic action of debarment / blacklisting based on a one-sided version (contained in a cryptic e-mail) without scrutiny. The only basis for the Impugned Debarment Order is on one alleged telephonic call and one email communication (allegedly sent by Mr. Baldev Patel). It is, in essence, a faceless accusation, evidently of doubtful probative value, in the light of the material placed on record by the Petitioner.

55. As noticed, apart from the said email communication, there is nothing on record to indicate that Respondent No.2 undertook any further verification or sought any affidavit or formal confirmation from Mr. Baldev Patel in support of the allegation that the certificates were forged. In the absence of any such verification, reliance on a solitary communication, without examining the substantial material placed by the Petitioner, cannot constitute a 'reasoned' basis for imposing the extreme penalty of debarment.

56. The legal position is well-settled that the debarment/blacklisting action must necessarily be supported by cogent reasons and must also demonstrate due consideration of the material placed by the affected party. The legal position in this regard has been enunciated in ***Diwan Chand Goyal vs. National Capital Region Transport Corporation***, 2020 SCC OnLine Del 2916, whereby, a coordinate Bench of this Court, after analysing various judgments rendered by the Supreme Court, summarized the general principles pertaining to debarment as under:

*“45. Upon a reading of the aforesaid judgments cited on behalf of both the parties, the general principles, which emerge, with respect to blacklisting are:*

- (a) Principles of natural justice have to be complied with before the order of blacklisting is passed;*
- (b) Natural justice or audi alteram partem does not always require a*



hearing to be granted. Serving of show cause notice and affording an opportunity to reply to the same, is considered as being adequate opportunity and is sufficient adherence to the principles of natural justice; (c) Blacklisting constitutes civil death and has extremely grave consequences. Thus, the same is amenable to the judicial review if the same is by governmental authorities;

(d) Any order of blacklisting ought to contain proper reasons. The reasons need not be detailed or elaborate. It is sufficient to be brief, pithy and concise;

(e) Reasons should be supplied to the affected party;

(f) Decision taken ought not to be arbitrary or discriminatory;

(g) Blacklisting orders being amenable to judicial review can be judged on the standard of proportionality. Thus, the period of blacklisting as also terms and conditions thereof have to be proportionate to the irregularities or conduct of the bidder.”

57. Reliance is further placed on the decision of this Court in ***Mekaster Trading Corporation v. Union of India & Ors.*** (supra), wherein this Court has held as follows:

“27. Having said that it has now become an obligation to give reasons in support of an administrative order, we may hasten to add that what is needed is not a detailed or elaborate judgment, but a brief and pithy statement of reasons for the decision. The administrative authorities, after all, are not discharging the judicial function like that of a Court and, therefore, not required to write an order in the manner in which normally a judgment is written by a court of law. The reasons given by an authority need be no more than a concise statement of the way in which it arrives at the decision. Way back in the year 1996 the Supreme Court pointed out in *M.P. Industries' case* (supra) that “when we insisted upon reasons, we do not prescribe any particular form or scale of the reasons. The extent and the nature of the reasons depend upon each case.” What is essential is that the order must be a speaking order and must state the elements which had led to the decision and tell its own story and one is able to infer as to why the order was made. De Smith, Woolf and Jowell point out that the reasons must “meet the substance of the principle arguments that the tribunal was required to consider. In short, the reasons must show that the decision maker successfully came to grips with the main contention advanced by the parties, and must tell the parties in broad terms why they lost, or as the case may be one”. Reasons are links between materials on which certain conclusions are based and the actual conclusion drawn. They would disclose how the mind is applied to the subject matter; whether done relevantly or rationally. Therefore, it would be sufficient if reasons indicate application of mind is discernible and mental process leading from the



*dispute to its solution is found in the order.”*

58. In ***Ganeshgarhia Construction Private Limited v. National Highways Authority of India and Ors.***, 2025 SCC OnLine Del 9123 the aforesaid has been reiterated this Court:

“27. It is also well settled that the debarment/blacklisting order must contain reasons and must deal with the defences/justifications that may have been put forth in the response to the show cause notice.

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39. The law is well-settled that the debarring/blacklisting action is an extremely harsh penalty akin to bring about “civil death” of an entity. Before taking such a drastic action, the least that is expected is that the concerned authority would pass a self-contained, reasoned order dealing with all aspects of the matter.”

59. It is trite law that an order of debarment must be a reasoned one, reflecting due application of mind to the material on record. The authority concerned is obligated to consider all relevant documents and submissions relied upon by the affected party; such material cannot be disregarded or brushed aside without cogent justification. An order passed in disregard of relevant material would be arbitrary and unsustainable in law. In ***Transys Consulting Pvt. Ltd. v. National Highway Authority of India***, 2024 SCC OnLine Del 5713, it has been held as under:

“8. The conclusion that Petitioner's response was “unsatisfactory, evasive and devoid of merit” is, thus, not supported by any reasons. The Court acknowledges that while the Respondent is not required to produce a judicial order-like reasoning, yet the principles of administrative fairness and natural justice mandate that any decision affecting the rights of a party, especially one involving punitive measures such as blacklisting or debarring, must be predicated on a clear and reasoned consideration of the concerned party's responses. Merely labelling the Petitioner's responses as “unsatisfactory, evasive, and devoid of merit” without substantive reasoning and failure to engage with the specific points raised by the Petitioner amounts to violation of principles of natural justice. Therefore, the Court is not persuaded by the Respondent's argument that the Petitioner's reply itself constitutes an acknowledgment of their default or that the brief reasoning provided by



them in the impugned communication is sufficient to sustain the action. While indeed reasoning can be concise, but there must still be some deliberation clearly addressing the submissions made by the affected party before taking a decision to blacklist or debar an entity. Hence, the arguments raised by the Petitioner in their reply warrant proper consideration, and the failure to do so violates the principles of natural justice.

9. Notably, debarment is a tool used to discipline suppliers or contractors who have engaged in fraud, misrepresentation, or breaches of regulations or contract terms. However, such irregularities must justify the decision, as blacklisting or debarment carries severe consequences for any entity. Thus, any explanation provided by the concerned entity that raises a legitimate dispute must be thoroughly addressed before taking such a punitive action. In such circumstances, the Respondent must give due deliberation to the Petitioner's arguments, and the decision must be supported by sound reasoning."

60. In **Rama Pandey v. Union of India & Anr.**, 2009 SCC OnLine Del 2093, wherein this court has held as follows:

"10. The impugned order dated 15th April, 2009 is cryptic and does not deal with the contentions and the pleas raised by the petitioner. It is the case of the petitioner that repeat episodes might have been submitted because of human error or mistake. The said contention has not been specifically taken into consideration and discussed. The impugned order quoted above only records the final conclusion without any discussion or reasons and assumedly rejects the pleas of the petitioner. The respondents were entitled to reject the contentions and the pleas of the petitioner but only after recording reasons for rejecting the same. The final decision or operative portion giving the final verdict is not a substitute for reasoning. A penal order should contain reason, albeit brief reasons may suffice. To this extent, therefore, the impugned order cannot be sustained and is arbitrary and contrary to law."

61. Thus, while the degree of reasoning required in an administrative order may not be as elaborate as in a judicial determination, the order must nonetheless disclose the material considered and the reasoning which led the authority to arrive at its conclusion. In the absence of such reasoning, the order would fail the test of a speaking order and would be liable to judicial interference.



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62. In the given factual context, there is also merit in the contention of the Petitioner that inflicting the maximum punishment contemplated under “Guidelines for Suspension of Business Dealings with the Supplier/Contractor” on the Petitioner is not only unjustified, but also grossly disproportionate.

63. In the present case, the Petitioner has already undergone the period of suspension imposed by Respondent No. 3, and the debarment period of two years (with effect from 02.02.2024) has also elapsed. However, it cannot be lost sight of that the impugned Debarment Order is likely to have a cascading impact on the Petitioner’s business and reputation. Consequently, notwithstanding the expiry of the debarment period, the Impugned Order would inherently continue to cause grave prejudice to the Petitioner

64. In view of the foregoing discussion, this Court is of the view that the Impugned Debarment Order dated 31.05.2024 cannot be sustained. Accordingly, the same is set aside. It is further clarified that the impugned order shall not pose any impediment in the Petitioner’s continued access to and participation in online tenders, through its GeM portal account. The Impugned Suspension Order dated 29.06.2024 issued by Respondent No. 3, was consequential in nature and was premised upon the Debarment Order passed by Respondent No. 2. Since the Debarment Order dated 31.05.2025 has been set aside, the Suspension Order dated 29.06.2024 also cannot sustain, and is consequently, set aside.

65. The petition is accordingly allowed in the above terms. Pending application also stands disposed of.

**SACHIN DATTA, J**

**MARCH 30, 2026/at,ka**