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

% ***Date of Decision: September 23rd, 2026***

CNR No. DLHC010416282026

+ **W.P.(C) 12870/2026 & CM APPL. 59710/2026**

GABION TECHNOLOGIES INDIA LIMITED.....Petitioner

Through: Mr. Mayank Arora,
Mr. Maanish Mohan,
Mr. Sarthak Mittal, Mr. Jai &
Mr. Abhinav Agarawal, Advs.

versus

UNION OF INDIA AND ORSRespondents

Through: Mr. Farman Ali, CGSC with
Ms. Usha Jamwal, Adv. for R1-
3/UOI.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. By the present petition, the petitioner seeks the following reliefs:

“a) Issue a writ of certiorari, or any other appropriate writ, order or direction, quashing and setting aside the order dated 27.06.2026 bearing No. 30309/GeM/Gen/77/E3ES issued by Respondent No.3, insofar as it debars the Petitioner for a period of six months from participation in any bid in the Area of Responsibility of Project Udayak;

b) Issue a writ of certiorari, or any other appropriate writ, order or direction, quashing and setting aside the Show Cause Notice bearing No. 30309/GeM/Gen/154/E3ES 24.08.2026 issued by Respondent No.3;

c) Issue a declaration in favour of the Petitioner that the debarment of the Petitioner imposed vide Order dated 27.06.2026 bearing No. 30309/GeM/Gen/77/E3ES issued by Respondent No. 3



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is void ab initio and the same remains non-existent against the Petitioner as on date;

d) Issue a writ of mandamus, or any other appropriate writ, order or direction, directing Respondents No. 1 to 4 to forthwith withdraw, recall and expunge the debarment of the Petitioner from all records, registers, portals and databases maintained by or on behalf of the Ministry of Defence, the Border Roads Organisation and the Government e-Marketplace;

e) Award to the Petitioner the costs of and incidental to the present petition; and

f) Pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Briefly stated, a GeM contract was entered into between the petitioner and Respondent No. 3 on 10.12.2025 in relation to supply of certain goods. The goods supplied allegedly did not meet the prescribed standard. Thereafter, a debarment order was issued by Respondent No. 3 on 27.06.2026 thereby debarring the petitioner from participating in bids relating to area of responsibility of project Udayak for a period of 6 months. The said debarment order, undisputedly, was passed without any show cause notice and in violation of the principles of natural justice.

3. Consequently, the petitioner preferred a writ petition before this Court being W.P. (C) 11990/2026. By order dated 19.08.2026, this Court directed the respondents to treat the said petition as a representation on behalf of the petitioner, and the respondents were directed to decide the same within a period of one week from date, under intimation to the petitioner. With these observations, W.P. (C) 11990/2026 was disposed of.

4. Pursuant to the same, a show cause notice was issued by Respondent No. 3 on 24.08.2026 stating that the petitioner's breach had hampered critical road/infrastructure work of the project, and 14



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days time was afforded to the petitioner to show cause why the petitioner not be debarred from participating in any tender/bidding process in Udayak Project for a period of 06 months.

5. Aggrieved by the same, the petitioner has filed the present petition assailing the order of debarment dated 27.06.2026 and show cause notice dated 24.08.2026.

6. The petitioner is essentially aggrieved by the order of debarment dated 27.06.2026 and the show cause notice dated 24.08.2026 issued by Respondent No. 3 in the aftermath of the proceedings in W.P. (C) 11990/2026. It has been urged that instead of deciding the petitioner's representation as was directed by this Court on the earlier occasion, Respondent No. 3 issued two show cause notices, first on 24.08.2026 (after the order dated 19.08.2026 passed in W.P. (C) 11990/2026) and thereafter on 08.09.2026 granting additional 10 days to the petitioner to furnish reply to the show cause notice dated 24.08.2026.

7. It has been urged that the show cause notices were issued by the respondent authorities with a pre-determined mind which ought not to be done as per the dictum of the Hon'ble Apex Court in the case of ***Techno Prints v. Chhattisgarh Textbook Corporation and Another* : 2025 SCC OnLine 343**. It has consequently been prayed that the show cause notices be quashed.

8. Having taken note of the contentions and the peculiar facts of this case, discernibly, it is the case of the petitioner that the impugned order of debarment was passed in contravention of the principles of natural justice and without affording any opportunity to the petitioner



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to refute.

9. Concededly, as informed by the learned CGSC, the original order of debarment was withdrawn *vide* order dated 02.09.2026. As on date thus, the petitioner does not stand debarred and no punitive or consequential action exists. Consequently, the primary cause of grievance of the petitioner in the present petition does not survive.

10. The remaining limb of the grievance expressed by the petitioner is that the respondent authorities first issued a show cause notice on 24.08.2026 (after the order dated 19.08.2026 passed in W.P. (C) 11990/2026) and thereafter on 08.09.2026 granting additional 10 days' time to the petitioner to furnish reply to the show cause notice dated 24.08.2026, and the contents of the show cause notice reflect that the respondents are proceeding with a pre-determined mind which is against the dictum of the Hon'ble Apex Court in ***Techno Prints v. Chhattisgarh Textbook Corporation and Another (supra)***. It has consequently been urged that since the original notice of debarment has been withdrawn, the show cause notices also, considering that the respondents are proceeding with a pre-determined mind ought to be quashed.

11. The stance of the petitioner, though appears attractive on the first blush, does not find favour with this Court for the foregoing reasons.

12. It is relevant to note that this Court, on earlier occasion, while disposing of W.P. (C) 11990/2026 on 19.08.2026, had passed a direction to treat that petition as a representation on behalf of the petitioner, and had categorically directed the respondents to decide the



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same within a period of one week from the date, under intimation to the petitioner herein.

13. The moment a specific direction was issued to the respondents to treat W.P. (C) 11990/2026 as a representation, the impugned order of debarment was put in abeyance and the respondents were required to *decide* the same within a period of one week. While doing so, the respondents deemed it fit to grant an opportunity to the petitioner and consequently, a show cause was issued to the petitioner on 24.08.2026 thereby affording 14 days time to the petitioner to refute. The said show cause notice was supplemented with the show cause issued on 08.09.2026 giving further 10 days time to the petitioner to reply to the same. Consequently, as and when, a reply would have been furnished by the petitioner, the respondent would have passed an order afresh.

14. The original order of debarment, thus, in any event was put on hold pursuant to the order passed by this Court in W.P. (C) 11990/2026.

15. In the light of the aforesaid, the emphasis placed by the petitioner's on the case of ***Techno Prints v. Chhattisgarh Textbook Corporation and Another (supra)*** is misplaced. In the said case, the original order of blacklisting was quashed because the same was passed for violations that did not form part of the show cause notice. Thereafter, a second show cause notice was issued to the appellant therein and the same was challenged. When the matter travelled to the Hon'ble Apex Court, then, in the peculiar facts of the case, it was noted that the show cause notice did not spell out any grave violation for which blacklisting for a period of three years in any event ought to



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be awarded given the serious consequences of blacklisting. While doing so, the Hon'ble Apex Court noted that since blacklisting entailed grave consequences, the authorities ought not to proceed with a pre-determined mind.

16. However, in contradistinction to the facts of ***Techno Prints v. Chhattisgarh Textbook Corporation and Another*** (*supra*), in the present case, this Court, on the earlier occasion, had directed the respondent to *decide* afresh. It is in this backdrop that respondents deemed it fit to issue show cause notices to the petitioner. The respondents therefore cannot be faulted for issuing the show cause notices.

17. Even otherwise, even if this Court were to take the case of the petitioner at the highest, merely because the original debarment order for 6 months was passed and withdrawn, the same, by itself is no ground to quash the show cause notices and hold that the respondents are proceeding with a predetermined mind. While it is true that blacklisting has severe consequences, and the conduct of the respondent authorities in the present case is deplorable, if any violation has allegedly been committed by the petitioner, the same has to be looked into in an appropriate manner.

18. The show cause notices allege certain violations committed by the petitioner. Merely because the original debarment order was deficient and the same was withdrawn on account of a technicality, the authorities ought not to be prejudiced. For the wrongful act on the part of some officers who acted in contravention of the settled principles, the respondent authorities ought to take appropriate steps to issue



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guidelines and sensitise their officers, however, the same by itself cannot serve as a bedrock to conclude that the authorities are proceeding with a pre-determined mind.

19. In view of the above, this Court finds no merit in the Writ Petition and the same is, therefore, dismissed. The petitioner has only given a generic reply to the respondent authorities stating that the debarment order along with Show Cause Notice is already *sub judice* before this Court. No substantive reply has been furnished by the petitioner.

20. This Court consequently grants two weeks time to the petitioner to furnish a reply to the show cause notices. As and when the same is furnished, Respondent No. 3, considering the reply furnished by the petitioner, would pass a fresh order.

AMIT MAHAJAN, J

SEPTEMBER 23, 2026

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