

ITEM NO.31

COURT NO.4

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 14999 OF 2017

(Arising out of impugned final judgment and order dated 10-03-2017 in WPC No. 7935/2015 passed by the High Court of Delhi at New Delhi)

NATIONAL HIGHWAYS AUTHORITY OF INDIA

Petitioner(s)

VERSUS

SIMPLEX INFRASTRUCTURE LTD AND ANR.

Respondent(s)

Date : 03-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Narender Hooda, Sr. Adv.  
Ms. Gunjan Sinha Jain, Adv.  
For M/s. M. V. Kini & Associates, AOR

For Respondent(s) Mr. Arvind P. Datar, Sr. Adv.  
Mr. Rakesh Sinha, Adv.  
Mr. Samrat Sengupta, Adv.  
Mr. Soumya Dutta, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Heard the learned counsels for the parties  
and perused the relevant material.

The order by which the bid of the respondent  
No.1 was found to be invalid recites on grounds  
which did not form a part of the allegation(s)  
mentioned in the show-cause notice. We, therefore,  
understand that the respondent No.1-contractor  
(Simplex Infrastructure Ltd) was not afforded an  
opportunity to show cause in respect of the grounds

which led to the declaration of their invalidity/cancellation of their bid. The order of cancellation, therefore, is in violation of the elementary principles of natural justice.

It is on the aforesaid score that we uphold the order of the High Court and dismiss the special leave petition.

The petitioner-National Highways Authority of India is directed to refund the security amount to the respondent No.1 within a period of two weeks from today.

(NEETU KHAJURIA)  
COURT MASTER

(ASHA SONI)  
BRANCH OFFICER