

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR

WP (C) 638/2023

CM 1495/2023

M/S FEEDBACK INFRA PVT. LTD. THROUGH ITS  
AUTHORIZED REPRESENTATIVE

...Petitioner(s)

Through: Mr. Zaffar A. Shah, Sr. Adv. with Mr. A. Hanan, Advocate  
Mr. Syed Faisal Qadri, Sr. Adv. with Mr. Rajive R. Raj, Adv.

Vs

NATIONAL HIGHWAYS AND INFRASTRUCTURE  
DEVELOPMENT CORPORATION LTD. AND OTHERS

...Respondent(s)

Through: Mr. T.M. Shamsi, DSGI with Ms. Sahila Nissar, Adv.

**CORAM:****HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE****ORDER****28.03.2023**

In the instant petition, the petitioner herein has challenged impugned order bearing No. NHIDCL/Ladakh/K-Z/DPR-2020-21/ 492, dated 18.08.2022 purportedly issued under clause 7.4.2 of the contract agreement, threatening, blacklisting/debarment of the petitioner from participating in future projects. Petitioner has also challenged order dated 13.03.2023 issued by the respondents for engagement of NHIDCL/MoRT&H, with a further direction upon respondents to allow the petitioner to participate in all future tenders issued by the respondents.

Learned senior counsel for the petitioners submit that respondent No. 1 has not specifically dealt with averment made in reply dated 06.09.2022 to the show cause notice, which is in clear violation of law laid down by the Hon'ble Supreme Court in a case titled as "*G. Vallikumari Vs. Andhra Education Society & Ors.*" Reported at (2010) 2 SCC 497. It is further contended that the respondents were under an obligation to consider the reply of the petitioner in terms of the show cause notice, thereafter pass speaking order.

Notice waived by Mr. T.M. Shamsi, learned DSGI, appearing on behalf of respondents. He seeks and is granted two weeks' time to file reply with an advance copy to counsel for the petitioner.

List on 09.05.2023.

In the meantime, subject to objections from the other side and till next date of hearing the operation of the impugned order dated 13.03.2023 issued by the respondent No. 1 shall stay.

Modification/alternation/vacation on motion.

**(MOKSHA KHAJURIA KAZMI)**  
**JUDGE**

**SRINAGAR**  
**28.03.2023**  
**ARIF**