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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16128/2025 & CM APPL. 66048/2025**

Date of Decision: **16.04.2026**

IN THE MATTER OF:

WINNER CONSTRUCTIONS PRIVATE LIMITEDPetitioner

Through: Mr. Ashish Mohan, Sr. Adv. with Mr. Jaspreet Singh Rai, Mr. Rohit Nagpal, Mr. Swetabh Kumar and Mr. Aditya Awasthi, Advs.

versus

DELHI DEVELOPMENT AUTHORITY AND ORS.

.....Respondents

Through: Mr. Tushar Sannu, Mrs. Rajbala and Mr. Payal Rajput, Advocates for DDA, from Department Mr. Rahul Kumar Sharma, EE and Mr. Aditya Kumar, AE.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

JUDGEMENT

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. The petition is for the following reliefs:

- a) *Issue a writ of certiorari, and/or any other appropriate writ, order or direction setting aside/quashing the impugned order dated 02.09.2025 passed by the Respondent Authority;*
- b) *Award costs of the Writ Petition in favour of the Petitioner- Company;*
- c) *Pass any such other or further orders as this Hon'ble Court may deem fit.*



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2. The facts of the case would indicate that the dispute pertains to the construction of housing project known as “Signature View Apartments” (**hereinafter “the apartment”**) at Mukherjee Nagar, New Delhi.
3. The aforesaid project comprises 336 multi-storied residential flats whereby, the petitioner was awarded construction of Group 1 (150 flats) and Group 2 (96) flats pursuant to agreement executed under tender noted by the Delhi Development Authority (**hereinafter “DDA”**) in the year 2007. The construction of the apartment commenced in the year 2007 and was completed in the year 2010. Thereafter, the project was handed over for occupation.
4. Around the year 2012 onwards, the structures started exhibiting signs of distress including cracks in structural elements, falling plasters, corrosion and reinforcement of steel and deterioration of concrete etc.
5. Subsequently, the DDA referred the matter to expert agencies for a detailed technical assessment. The National Council for Cement and Building Materials (**hereinafter “NCCBM”**) conducted inspections and recorded structural deficiencies including cracking, deterioration of concrete and corrosion-related issues and gave its report in the year 2019 while recommending further comprehensive evaluation. Pursuant to the same, a detailed structural audit was carried out by Indian Institute of Technology (**hereinafter “IIT”**) Delhi through Prof. Shashank Bishnoi. Mr. Bishnoi submitted the reports on 17.06.2022 and 19.11.2022.
6. The said reports identified extensive structural distress including deterioration of reinforced concrete, corrosion and reinforcement of steel material deficiencies and concluded that the buildings were structurally compromised beyond economical repair with continued occupation causing



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serious risk, thereby, necessitating demolition and reconstruction. The buildings were declared dangerous by the Municipal Corporation of Delhi (**hereinafter “MCD”**). The action of the MCD was affirmed by this Court in case titled as *Vishwajeet Singh & Ors. v. Subhashish Panda*¹ and the action of the demolition was justified. The said judgment was affirmed in LPA².

7. It appears that the criminal investigation was initiated by the Central Bureau of Investigation (**hereinafter “CBI”**). The FIRs have been lodged against the contractor as well as government officials. The DDA has also initiated action against the petitioner and issued a Show Cause Notice on 29.05.2024. The DDA, after considering the petitioner's response *vide* the impugned order dated 02.09.2025 debarred the petitioner from participating in future tenders. It is this order which is impugned in the instant writ petition.

8. Mr. Ashish Mohan, learned Senior Counsel appearing on behalf of the petitioner, has raised the following broad submissions: (i) Non-supply of the document, which was essential to the defense of the petitioner. (ii) The personal hearing was not granted. (iii) The impugned order is not a speaking one. (iv) There cannot be an indefinite debarment.

9. He, thus, contends that the cumulative effect of all those grounds turns into violation of the principle of natural justice. He thus, while placing reliance on decision in the case of *Kulja Industries Limited v. Chief General Manager, Western Telecom Project Bharat Sanchar Nigam &*

¹ W.P.(C) 14960/2023 judgment dated 23.12.2024

² LPA 533/2025 order dated 17.09.2025



*Ors*³, *M/s. Deccan Mechanical and Chemical Industries Pvt. Ltd. and Anr. v. NTPC Ltd. and Anr*⁴, *S.N. Mukherjee v. Union of India*⁵, *M/s Jupiter Exports v. Commissioner of GST*⁶ and *Kumaon Mandal Vikas Nigam Ltd. v. Girja Shankar Pant and Ors*⁷, submits that the impugned action deserves to be set aside.

10. The submissions are strongly opposed by Mr. Tushar Sannu, learned counsel appearing on behalf of the DDA. He submits that the notice was admittedly issued. The reply was filed. It was duly considered and the petitioner was also duly heard. The impugned order itself is speaking one, which demonstrates explicit violations in the part of the petitioner and therefore, the same does not call for any interference. It is his submission that the essential documents were supplied to the petitioner. Even otherwise, the petitioner has not been able to show any prejudice. Unless the petitioner establishes prejudice, the demand of documents or harping upon non-existent material should not be the factor to interfere with the impugned action. Mr. Sannu justifies that the facts and circumstances require perpetual blacklisting. According to him, the situation was one where the possibility of a man-made calamity was real and immediate. It is his submission that this is an exceptional and rarest of rare case, and hence, there is no bar in indefinitely debarring the contractor.

11. He relies on the decision passed by the Supreme Court in the case of *Union of India & Ors. v. J.D. Suryavanshi*⁸, *Vikash Dahiya & Ors. v.*

³ (2014) 14 SCC 731

⁴ (2014) SCC OnLine Del 195

⁵ (1990) 4 SCC 594

⁶ 2023 SCC OnLine Del 4343

⁷ (2001) 1 SCC 182

⁸ (2011) 13 SCC 167



*Union of India & Ors.*⁹, *Municipal Corporation of Delhi v. Daulat Ram (Died) Represented by L.Rs.*¹⁰, *Guru Ram Das Bhawan & Ors. Doon Apartments Pvt. Ltd.*¹¹ and *DMC Limited v. R.K. Towers (India) Pvt. Ltd.*¹².

12. I have considered the submissions made by the learned counsels appearing for the parties and perused the record.

13. It is trite law that in the exercise of the power of judicial review, the Court does not act as an appellate authority and, therefore, cannot substitute its own opinion for that of the competent authority. The scope of judicial scrutiny is confined to an examination of the decision-making process. Unless the impugned decision is demonstrated to be patently arbitrary, irrational, perverse, or in violation of statutory provisions or the principles of natural justice, no interference is postulated. The Court, thus, limits its inquiry to the legality, procedural propriety, and fairness of the process adopted by the respondent. Such scrutiny does not extend to reappraisal of evidence or to an evaluation of the correctness of the decision on merits. Matters involving technical or administrative expertise are best left to the domain of the concerned authority.

14. Having noticed the aforesaid position, if the decision-making process is examined in the context of the facts and situation, the Court finds that in the impugned order, the DDA has explicitly noted the reports of Prof. Shashank Bishnoi. It has come on record that based on a detailed technical investigation including non-destructive testing, chloride analysis, core sampling and corroboration studies, the structural audit report was submitted

⁹ 2024 SCC OnLine Del 1767

¹⁰ 1971 SCC Online Del 130

¹¹ 2009 SCC OnLine Del 1654

¹² 2008 SCC OnLine Del 972



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by Prof. Shashank Bishnoi and the said report was summarized in the impugned order.

15. It is *inter alia* on the basis of the report and other material found that all residential towers of the housing complex were structurally compromised and were beyond economical repair. Towers B, E, I and L were identified for immediate evacuation and demolition, while the remaining towers were also deemed unsafe and recommended for phased evacuation and dismantling. The report depicts a serious affair in the manner of construction of the project. However, what emerges is the fact of placing reliance in the impugned order to the reports of Prof. Shashank Bishnoi. If the reports by Prof. Shashank Bishnoi are considered, they refer to the structural drawings shared by the DDA.

16. Mr. Mohan submits that the construction was strictly as per the structural design shared by the DDA with the petitioner. He thus contends that unless the respondent attributes the violation of the structural design / drawing in the manner of construction, the liability on the contractor may not be saddled. He therefore, submits that the structural drawings, which were shared by the DDA with Prof. Shashank Bishnoi and on that basis, the report was prepared, therefore, it was incumbent upon the DDA to have supplied a copy of the structural design with the petitioner.

17. Though, the said submission, as has been noted hereinabove, has been strongly denied by Mr. Sannu, however, the Court finds that the material which was the genesis of taking the impugned decision, if is not supplied to the petitioner, the same would vitiate the entire exercise. If the structural design / drawing, in original, is not available with the respondent DDA, the same would not have been an impediment in supplying similar material



which was submitted before Prof. Shashank Bishnoi.

18. Had the said exercise been carried out, it would have been considered to be a reasonable opportunity to the petitioner.

19. Reports have been relied upon against the petitioner without supplying a copy thereof. It is not the respondent's case that the material which was supplied to Prof. Shashank Bishnoi was not the basis of Prof. Shashank Bishnoi's report. Since the impugned order clearly refers to the report of Mr. Bishnoi and, in turn, Mr. Bishnoi's report refers to the structural drawings shared by the respondent, therefore, the said document should have been supplied and the non-supply thereof, has caused sufficient prejudice to the petitioner.

20. What would constitute "sufficient prejudice" has been authoritatively considered by the Supreme Court in *State Bank of Patiala & Ors. v. S.K. Sharma*¹³. The Court has lucidly held that a mere infraction of a procedural provision does not, by itself, vitiate the enquiry or the resultant order. Save and except situations falling within the well-recognised categories of "no notice", "no opportunity" or "no hearing", the effect of a procedural lapse is required to be tested on the touchstone of prejudice. The determinative inquiry is whether such deviation has, in fact, impaired or prejudicially affected the delinquent in effectively defending himself. Where the Court arrives at a finding that the procedural violation has occasioned real prejudice or has resulted in denial of a fair and meaningful opportunity of defence, the proceedings stand vitiated, warranting appropriate remedial measures including setting aside of the impugned action.

¹³ 1996 SCC (3) 364



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21. In view of the aforementioned, the Court thus finds that the decision-making process is vitiated on account of violation of the principles of natural justice. The impugned action is, therefore, set aside. The liberty is granted to the DDA to take a fresh decision after supplying the entire material which was shared by the DDA to Prof. Shashank Bishnoi.

22. Let the entire material be supplied whether it is a photocopy or otherwise. The petitioner shall be at liberty to raise whatever objections he is entitled in law.

23. Let the respondent to also extend an opportunity of personal hearing to authorized representative. Thereafter, the decision shall be taken within a period of two months.

24. Mr. Sannu has made various submissions. However, those submissions at this stage may not be required to be considered for the reason that the sole argument raised by Mr. Mohan relates to the non-supply of the relied upon material by the respondent.

25. With the aforesaid observations, the instant petition along with pending application, stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

APRIL 16, 2026/Sh/ss