

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

+ W.P.(C) 2423/2008

Date of Decision: 31<sup>st</sup> March, 2008

# DEEPALI DESIGNS & EXHIBITS P.LTD. & ANR.

..... Petitioner

! Through: Mr. Sandeep Sethi, Sr. Advocate  
with Mr. P.S.Bindra.

versus

\$ UOI & ANR.

^

..... Respondents  
Through: Mr. Sandeep Aggarwal, Advocate for  
Respondent no.1

% **CORAM:**  
**HON'BLE MR. JUSTICE T. S. THAKUR**  
**HON'BLE MR. JUSTICE SIDDHARTH MRIDUL**

1. Whether reporters of local papers may be allowed to see the judgment? **Not necessary.**
2. To be referred to the Reporter or not? **Not necessary.**
3. Whether the judgment should be reported in the Digest? **Not necessary.**

## ***J U D G M E N T***

### **Per Thakur, J (oral)**

1. In this petition for a writ of certiorari, the petitioner has prayed for quashing of the bid submitted by a consortium comprising respondent no.2, ITE India Pvt. Ltd. and other members pursuant to a tender notice issued by the Government of India, Ministry of Panchayati Raj, copy whereof has been enclosed as Annexure P/1 to the petition.

2. The petitioner's case appears to be that respondent no.2 is not eligible to submit a bid keeping in view the conditions of eligibility stipulated in the tender notice. Mr.Sandeep Aggarwal, learned counsel

for respondent no.1, appears on advance notice and submits that the writ petition is premature till such time the competent authority takes a final decision and awards the contract to one or the other intending parties. No infraction of any right vested in the petitioner can be said to have taken place till any decision. He urged that this writ petition was not maintainable for the present and ought to be dismissed.

**3.** Mr.Sandeep Sethi, learned Sr.Advocate appearing for the petitioner, on the other hand, argued that the respondents are not taking a decision in the matter on one pretext or the other. That position is disputed by Mr.Aggarwal, learned counsel for respondent no.1, according to whom the petitioner has not only filed a representation against the bid submitted by respondent no.2 and they moved the present petition but represented to the competent authority that since the matter is subjudice, no decision be taken in the matter. He further submitted that once this petition is disposed of a proper decision can be taken by the competent authority and intimated to all concerned. That submission, in our opinion, should sufficiently allay the apprehension of the petitioner that no decision one way or the other may be taken by the competent authority pursuant to the tender notice. Mr. Sethi is also satisfied with the statement made by Mr. Aggarwal and seeks leave to withdraw this writ petition with liberty for the petitioner to question the decision taken by the competent authority if the need so arises.

**4.** The writ petition is, therefore, dismissed as withdrawn with the liberty prayed for. The competent authority, we hope and trust shall examine the issue regarding the award of contract and take a final

decision in the matter under intimation to the parties. We make it clear that this order shall not be interpreted to mean that the competent authority is bound to accept the bid offer by one or the other party. We also make it clear that the competent authority would be free to take any decision in the matter uninfluenced by the fact that the petitioner had agitated the issue regarding eligibility of respondent no.2 in this Court.

5. A copy of this order be given dasti to counsel for the parties.

**T. S. THAKUR, J.**

**SIDDHARTH MRIDUL, J.**

MARCH 31, 2008  
bp