

THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 18.11.2009

+ **W.P.(C) 13222/2009**

REAR PVT LTD

..... Petitioner

- Versus -

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Advocates who appeared in this case:-

For the Petitioner : Mr Vinay Kumar Garg with
Mr Vivekanand Mishra

For the Respondent : Ms Suparna Srivastava

CORAM:-

HON'BLE MR. JUSTICE BADAR DURREZ AHMED
HON'BLE MS. JUSTICE VEENA BIRBAL

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

BADAR DURREZ AHMED, J (ORAL)

1. In this writ petition, *inter alia*, the following prayers have been made:-

“a) quash and set aside order dated 21.10.2009 of respondent No. 1 MCD awarding work to operate rendering plant in favour of respondent No. 2; and

b) Issue an appropriate writ, order or direction directing the respondent MCD to finalize the tender process initiated for leasing out of rendering the plant at Ghazipur Slaughter House by way of open bid process for which open bid process was held on 12.06.2009; and”

2. The letter dated 21.10.2009 mentioned in prayer (a) above, was issued by the MCD to the respondent No. 2. The said letter reads as under:-

“Municipal Corporation of Delhi
Department of Veterinary Services
Ghazipur Slaughter House

No. 90/MGSH/2009

Dated 21.10.2009

To

The General Manager (North)
M/s Frigorifico Allana Ltd
A-15, Site-IV, Industrial Area,
Sahibabad, Distt. Ghaziabad (UP)
Pin-201010

Subject: Regarding permission to operate the Rendering Plant for one month.

Sir,

In reference to your letter No. MCD/GSH/2009/11 dated 31.08.2009, No. MCD/GSH/2009/16 dated 12.09.2009 and No. MCD/GSH/2009/33 dated 21.10.2009 regarding your request to allow to operate the Rendering Plant on trial basis for one month. The Competent Authority after considering your proposal has allowed to operate the Rendering Plant on trial basis for one month from the date of issue of this letter however cost of all operations, maintenance and other expenses will be borne by you and MCD will bear no responsibility in this regard.

Prior to start the operations you will give intimation to this office in written and no repair will be undertaken by you until or unless it is approved by the Competent Authority.

Sd/-
Manager
Ghazipur Slaughter House”

3. We are now told by the learned counsel appearing for the respondent No. 1 (MCD) that though the letter dated 21.10.2009 had been issued, the rendering plant had not been operated by the respondent No. 2 as they did not come forward and they refused to operate the said rendering plant even on a trial basis. Thus, according to the learned counsel for the respondent No. 1, the prayer (a) in the writ petition no longer survives.

4. In respect of prayer (b), the learned counsel for the respondent No. 1 submitted that the bids opened on 26.10.2009 under the open bid process in respect of leasing out of the carcass utilization-cum-rendering plant at Ghazipur Slaughter House is yet to be finalized. She states that the same would be finalized one way or the other within one week, that is, either by award of tender or by cancelling the tender process within one week. She also states that in case the tender process is cancelled, fresh tenders would be invited immediately thereafter so that no further time is lost.

5. Normally, after noting the aforesaid, we would have disposed of the writ petition without saying anything further. However, considering the circumstances of the present case, we are constrained to say that the tender process in respect of the said rendering plant has been going on since April, 2006. At that time, the first tender was invited and

awarded to one M/s Aztec Exim Private Limited which operated the plant for about three months and then surrendered the plant. Thereafter, the plant has continued to remain shut. The next tender was invited sometime in September, 2008 and thereafter repeated tenders have been invited without any success. Ultimately, for the sixth time, the tender was invited on 09.06.2006 which is yet to be finalized. The petitioner had sought information under the Right to Information Act and against question No. 6, the respondent MCD gave the following answer:-

“Agenda to have an open bid for Rendering Plant was to find out a suitable lessee. As the participants neither signed the attendance sheet nor proceed further for bid so attendance sheet of dated 08.06.2009 cannot be made available. However, minutes of the meeting was not drafted. It was felt that the highest bid quoted by M/s. REAR Pvt. Ltd. is too low to award the work. So it was decided that this may attract the attention of some investigation agency and it may become some audit para so it was decided to stop the process of leasing out of Rendering Plant till the Ghazipur Slaughter House is leased out.”

6. We are not happy with the manner in which the tender process has been going on for over three years without award of any tender. We are told that the said rendering plant was established at the cost of about Rs 25 crores and that has been lying unutilized all this while. It is a clear case of waste of public money. We, therefore, feel that the respondent MCD should take a final decision in the manner indicated

above and complete the process so that the plant, which has been set up at the expense of public money, is utilized for the purpose for which it was set up.

With these observations, we dispose of this writ petition.

BADAR DURREZ AHMED, J

VEENA BIRBAL, J

November 18, 2009
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