

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

+ **W.P.(C) 13428/2009**

Date of decision: 27th November, 2009

TARA INTERNATIONAL AND ORS Petitioner
Through Mr. Raja Chatterjee and Ms. Puja
Anand, Advocates.

versus

UOI AND ORS Respondent
Through Mr. Pratap Singh Parmar, Adv. for R-
1.
Mr. A.K. Bhardwaj, Adv. for R-2 & 3.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER
% **27.11.2009**

1. On 17th August, 2009 the respondent, Director, National Zoological Park, New Delhi had invited tenders for operating battery operated vehicles in the said complex with effect from 1st September, 2009. Vide acceptance letter dated 31st August, 2009, the petitioners were awarded a tender for supply and operation of battery operated vehicles in National Zoological Park, New Delhi. The petitioner by their letter dated 2nd September, 2009,

had requested for extension of time of two months to start operations. The respondents agreed to extend the time up to 31st October, 2009, vide their letter dated 16th October, 2009 subject to the petitioner submitting an undertaking that they shall operate ten number battery operated trolleys on or before 1st November, 2009. The petitioners, however, by their letter dated 21st October, 2009, informed the respondents that they will be able to send three trolleys, which shall become operational from 1st November, 2009 and the balance seven trolleys shall be made operational by 25th November, 2009.

2. This was not acceptable to the respondents, who vide their letter dated 6th November, 2009, had cancelled the offer letter dated 31st August, 2009 and informed the petitioner. The respondents have called for fresh tenders.

3. Keeping in view the aforesaid facts, I do not think any interference while exercising power of judicial review is justified. The tender document dated 17th August, 2009, clearly stipulated that battery operated vehicles should become operational by 1st September, 2009 and later on the respondents had extended the time up to 1st October, 2009 and then 31st

October, 2009. The petitioner had submitted the tender bid on 26th August, 2009 aware that trolleys have to be immediately provided. The need and requirement to have battery operated vehicles for young children and old persons in the National Zoological Park, New Delhi, is easy to understand. It cannot brook any delay. The respondents are also losing money because of non-availability of battery operated vehicles. Execution of the agreement was delayed as the petitioner did not want to pay licence fee upto 1st November, 2009. The writ petition is dismissed.

4. Counsel for the petitioner submits that the vehicles are now available and in fact the respondents have not received any offers/bids pursuant to fresh tender floated by them. He states that the petitioners are ready and willing to pay license fee. It is open to the petitioners to re-apply for fresh tender or make representation to the respondents stating the aforesaid facts. If any such representation is made, the same will be considered by the respondents.

SANJIV KHANNA, J.

NOVEMBER 27, 2009
NA/P