

Court No. - 2

Case :- WRIT - C No. - 10954 of 2024

Petitioner :- Siemens Healthcare Private Limited Thru. Authorized Signatory Ashok Kumar Gupta

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Medical Health And Family Welfare Lko. And 2 Others

Counsel for Petitioner :- Ritwick Rai, Ankit Kumar Pandey, Ashutosh Verma, Aviral Raj Singh, Dhruv Kumar Singh, Palash Banerjee, Vaibhav Tiwari

Counsel for Respondent :- C.S.C., Abhinav Trivedi

Hon'ble Rajan Roy, J.

Hon'ble Brij Raj Singh, J.

(Amendment application.)

This application for amendment has been filed in the court today, which is taken on record.

The amendment application is allowed.

Let necessary amendment be carried during course of the day.

(Order in the writ petition.)

Heard learned counsel for the parties and perused the record.

Although the tender notice itself has been cancelled on 17.12.2024, as informed by Sri Abhinav Trivedi, learned counsel for the opp. party-Corporation, submission of Sri Mathur, learned Senior Counsel appearing for the petitioner is that rejection of technical bid of the petitioner and that of all other tenderers, who are all world reputed companies in the field of manufacturing of MRI machines, and uploading of the reasons therefor on the official website, gravely prejudices the business interest of the petitioner, and also, as, according to him under the procurement manual of the State of U.P. the petitioner had an opportunity to challenge the said rejection by way of an application, which was submitted, but not decided till

filing of the writ petition, but only after filing of the writ petition on 16.12.2024 the rejection of the said application has been uploaded on 17.12.2024, that is, on the same date on which the tender notice has been cancelled, therefore, considering this fact, although it is the case of Sri Trivedi that the said application was rejected on 21.11.2024 though order was uploaded subsequently on 17.12.2024 and, as, we find from the information uploaded on the portal that it merely says “Rejected”, and reasons which were uploaded on the portal have been reiterated in the order dated 17.12.2024 and the recitals in the application challenging the said reasons have not been considered, we provide that whatever reasons have been uploaded on the portal while rejecting technical bid of the petitioner and the subsequent rejection of the application of the petitioner shall not be treated as adverse to the business interest of the petitioner in matters of other contracts. Sri Trivedi has no objection to this order.

With the aforesaid observations/directions, this writ petition is **disposed of**.

(Brij Raj Singh, J.) (Rajan Roy, J.)

Order Date :- 18.12.2024

A.Nigam