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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 06.04.2015

W.P.(C) 3307/2015

GOPSONS PRINTERS PRIVATE LIMITED Petitioner

versus

UNION OF INDIA AND ANR Respondents

Advocates who appeared in this case:

For the Petitioner : Mr B.P.Singh, Advocate
For the Respondents : Ms Jyoti Dutt Sharma and Ms Namisha Gupta, Advocates

CORAM:

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

J U D G M E N T

BADAR DURREZ AHMED, J (ORAL)

CM No.5921/2015 (for exemption)

The exemption is allowed, subject to all just exceptions.

W.P.(C) 3307/2015 and CM Nos. 5919/2015 and 5920/2015

1. This writ petition is directed in respect of the communication dated 10.03.2015 issued by the Directorate General of Employment and Training, Ministry of Labour and Employment, Government of India (Respondent No.2) short listing three firms for further inviting competitive bidding. The

petitioner has not been mentioned in the list of the above short listed three firms. The petitioner is aggrieved by this.

2. The respondent No.2 had invited 'Expressions of Interest' by a communication dated 12.09.2014 for providing services of Printing, Packing and Despatch of Secret Documents for DGE&T under the Ministry of Labour and Employment, Government of India. The 'Expressions of Interest' were to be submitted in the prescribed format on or before 5 p.m. on 01.10.2014. The petitioner, along with others, submitted its 'Expression of Interest' prior to that time and date. Clause 5 of the Letter of Invitation pertains to the instructions to the firms/organisations. Point No.8 specified that the 'Expression of Interest' must go through a pre-qualification compliance of documents as per Annexure-I. It is also stated under Clause 5 that only those responses that meet the minimum qualification criteria identified in Annexure-I would be evaluated for selection. Annexure-I, prescribing the pre-qualification criteria, contained a table. Serial no.7 of the table specified a pre-qualification criterion to be:-

“the firm should have at least minimum 50 personnel (including regular & contractual). However, the firm should have at least 15 senior regular staff capable to handling secret documents service.”

3. The supporting compliance documents were specified as:-

“a copy of certificate of statutory auditor or company secretary of the firm attached with the format-3 & 4”.

4. The learned counsel for the respondents, who appears on advance notice, submitted that the petitioner did not fulfill the said pre-qualification

criterion specified in serial No.7 of the table given in Annexure-I which has been referred to above.

5. First of all, the petitioner did not furnish any certificate by a statutory auditor or the company secretary of the firm. Secondly, only the list of senior regular staff (18 in number) was supplied. The list of minimum 50 personnel was not furnished. In other words, the documents annexed as Annexure P-10 and P-11 to the writ petition had not been supplied/furnished to the respondent No.2 by the petitioner as part of its 'Expression of Interest'. It is for this reason that the petitioner was not short listed.

6. The learned counsel for the petitioner has admitted that through inadvertence, a copy of the certificate by the statutory auditor or the company secretary of the firm had not been furnished. He also states that annexures P-10 and P-11 had not been furnished along with the 'Expression of Interest', however, he submits that the fact remains that the petitioner did fulfill the pre-qualification criteria inasmuch as it had at least 50 personnel working with it and had at least 15 senior regular staff members capable of handling the secret documents.

7. It is evident from the forgoing discussion that the supporting compliance documents had not been furnished by the petitioner along with its 'Expression of Interest'. That being the case, the action taken by the respondent in not short listing the petitioner cannot be faulted. It was a specific condition of the 'Expression of Interest' that persons/firms/companies who express their interest would have to pass through the stage of pre-qualification. It was a specific condition of the pre-qualification that certain documents which have been referred to above had

to be supplied. Since those documents had not been supplied, the petitioner did not pass through the pre-qualification stage.

8. In these circumstances, the petition has no merit. It is dismissed but with no order as to costs.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

APRIL 06, 2015/sv

