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

+ W.P.(C) 4718/2015 & CM 8532/2015 & CM 16122/2015

CAPT. SURINDER KHAJURIA

..... Petitioner

Through : Mr Ankul Raj with Mr Rahul Shukla with
Mr Akash Jandial

versus

INDIAN OIL CORPORATION LTD

..... Respondent

Through : Mr Rajat Navet with Ms Prachi V. Sharma

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **02.11.2015**

The only grievance of the petitioner is that his tank truck was not considered in the subject tender because he was unable to produce the original registration certificate as it was involved in a court case. That case is now over and the petitioner has the original registration certificate.

Clause 17 of the General Terms and Conditions of tender for 'Transportation of Bulk LPG by Road', which is applicable in the present case, clearly stipulates that shortlisted bidders are to submit, *inter alia*, the original registration certificate prior to issuance of provisional letter of intent/work order "or at such other time as may be required by corporations from time to time". The letter of intent/ work order has not yet been issued because of the non-production of the original registration certificate.

Our attention was also drawn to Clause 27 of the NIT which pertains to verification of original documents. The said Clause reads as under:-

“27. VERIFICATION OF ORIGINAL DOCUMENTS:

Bidders through their authorized representatives may bring their original documents for verification to Corporation as per the communication from respective Regional/Zonal offices. Venue, date and time for verification of documents shall be intimated by respective Regional/Zonal offices. Time period given by respective Regional/Zonal offices for submission of any documents will be treated as final and non-submission of the same may lead to rejection of the bidder or quoted TT as per the case. Decision of Regional/Zonal TCC in respect of the same will be treated as final.

Bidders to report on specified date and time as per the above communication.”

It is evident upon reading the aforesaid Clause that it is open to the respondent to grant time for production of the original documents and it is only if the original documents are not produced within that time that the same could result in the rejection of the bid. In the present case, we find that now that the petitioner has the original registration certificate and was not able to produce the same in the circumstances mentioned above, the respondent can grant time to the petitioner to produce the same. We think that a period of two weeks would be a reasonable time. It is made clear that in case the petitioner is not able to produce the original registration certificate before the respondent within two weeks from today, then the petitioner shall have no subsisting right in the subject tender. The letter of intent would be issued to the petitioner only if he satisfies all the other terms and conditions of the tender.

The writ petition stands disposed of.

Dasti.

BADAR DURREZ AHMED, J

**NOVEMBER 02, 2015
SR**

SANJEEV SACHDEVA, J