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

+ W.P.(C) 532/2016

M/S S.S. MULTI SERVICE

..... Petitioner

Through: Mr Ankur S. Kulkarni and Mr Anand Srivastava

versus

THE SOUTH DELHI MUNICIPAL CORPORATION

..... Respondent

Through: Mr Mukesh Gupta and Mr Sunil Tahim

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **20.01.2016**

CM No. 2197/2016 (exemption)

The exemption is allowed subject to all just exceptions.

W.P.(C) 532/2016 and CM No. 2196/2016

1. This writ petition challenges the notice dated 12.01.2016 requesting for the proposal for engagement of a contractor by South Delhi Municipal Corporation for Toll and Environment Compensation Charge (ECC) collection at border points from specified commercial vehicles entering Delhi.

2. There are several difficulties with this writ petition. The first and foremost is that the person who has filed this petition does not appear to have the proper authority to do so. It has been filed by a person who claims to be the Clerk with S.S. Multi Services which we are told is a proprietorship concern. The proprietor, however, has merely given a letter dated 19.01.2016 giving some authority to Mr Madhu Sudhan Kumar Ray (the purported clerk working with S.S. Multi Services) to file its petition. If one examines the so called letter of authority dated 19.01.2016 at page 32 of the paper book, there is a signature above the word proprietor but no name is given. The Vakalatnama which has been placed at page 33 of the paper book bears the date of 18.01.2016, that is one day prior to the date on which the so called authority was given by the unnamed proprietor of the petitioner to the said clerk (Mr Madhu Sudhan Kumar Ray). Therefore, in these

circumstances, there is in point of fact no valid petition before us.

3. The second difficulty with this petition is that the subject tender has been floated pursuant to directions given by the Supreme Court in *M.C. Mehta v. Union of India and Ors*, W.P.(C) 13029/1985 and *SMYR Consortium LLP and Anr v. Government of NCT of Delhi and Ors*, W.P.(C) 817/2015 on 07.01.2016. The respondent / corporation was categorically directed to make an alternative arrangement in the manner of collecting the toll as also ECC by Monday, the 1st of February, 2016. This direction amongst others was given by the Supreme Court in exercise of its power under Article 142 of the Constitution of India. It is in these circumstances that the short and strict time schedule has been given for making the proposals and for considering the same for award of the contract. The grievance made in this petition is that the time given is too short. That grievance cannot be countenanced in the backdrop of the directions given by the Supreme Court. We have, in any event, enquired from the learned counsel for the SDMC as to whether any proposals have been received based on their invitation and they said that about nine proposals have already been received and the last date is 21.01.2016 by 11 am for submission of bids. It is also indicated that S.S. Multi Services did not even purchase the RFP documents for which a Demand Draft / Pay Order of Rs 1 lakh was necessary.

4. In these circumstances we do not find any merit in the writ petition. The same is dismissed.

BADAR DURREZ AHMED, J

JANUARY 20, 2016 / SU

SANJEEV SACHDEVA, J