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

+ **W.P.(C) 2856/2016**

**BLACK CAT SECURITAS AND ALLIED
KUMAR KARTIKEYA SERVICES**

..... Petitioner

Represented by: Mr.Ravi Sikri, Sr.Adv.
instructed by Mr.Kumar
Kartikeya, Mr.Jainendra
Maldahiyar, Mr.Deepak Yadav,
Advs.

versus

**NATIONAL INSTITUTE OF OPEN
SCHOOLING AND ORS**

..... Respondent

Represented by: Mr.S.Rajappa, Adv. for R-1.
Mr.Akshay Makhija, CGSC
with Mr.Suresh C.Sati,
Ms.Mahima Bahl, Mr.Pradeep
C.Sati, Advs. for UOI/R-2.

**CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER
31.03.2016**

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CM 11969/2016

Exemption allowed subject to just exceptions.

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1. Relevant record has been produced and qua the petitioner we find it being disqualified. We reproduce the tabular statement containing reasons why petitioner was disqualified. The same would be as under:

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S.No.	Name & address of firm	Basic requisite as per Rule	Supervisor (for 1 person)	Gunman (for 1 person)	Security Guard (for 01 person)	Total of column 04, 05 & 06.
		A.Basic+ VDA B.EPF-13.36% C.ESI-4.75% D.Leave Relief 1/6 E.Service Charge	₹11180/- ₹1493.64 ₹531.05 ₹2200.78 As Claimed <u>₹15405.47</u> (total wages) X 6 person ₹92432.82	₹11180/- ₹1493.64 ₹531.05 ₹2200.78 As Claimed <u>₹15405.47</u> (total wages) X 9 person ₹138649.23	₹10140/- ₹1354.70 ₹481.65 ₹1996.05 As Claimed <u>₹13972.40</u> (total wages) X 55 person ₹768482	₹999564.05
7	07/09 M/s Black Cat Securitas & Allied Services	A. B. C. D.1/6 of A Total E.@.001%	₹11180/- ₹1493.64 ₹531.05 ₹1863.33 <u>₹15068.02</u> 0.11 ₹15068.13 (total wages) X 6 person ₹90408.78	₹11180/- ₹1493.64 ₹531.05 ₹1863.33 <u>₹15068.02</u> 0.11 ₹15068.13 (total wages) X 9 person ₹135613.17	₹10140/- ₹1354.70 ₹481.65 ₹1690.00 <u>₹13666.35</u> 0.10 ₹13666.45 (total wages) X 55 person ₹751654.75	₹977676.70

Service Tax 14.5%	Other Charges Claimed by the firm. Uniform A.Bonus B.Gratuity C.Washing Allowance D.EDLI E.Labour Fund	REMARKS.
As applicable	Not Quoted	NOT RECOMMENDED -Leave Relief 16.67% claimed only on basic plus VDA in place of 1/6 on Basic plus VDA plus EPF plus ESI

2. Relevant record has been shown to learned senior counsel for the petitioner.

3. It is trite that in a matter pertaining to tender where no condition of a tender is under challenge the Court's job is to see fairness in the evaluation process. In the instant case the evaluation process is simple mathematics. No mathematical error is pointed out.

4. Petition is dismissed.

CM 11968/2016 (stay)

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

MARCH 31, 2016
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