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

+ W.P.(C) 3800/2016 & CM 16154/2016

AROON AVIATION SERVICES PVT LTD Petitioner
Through : Mr Anshum Jain with Mr Amol Sinha
and Mr Rahul Kochar

versus

AIRLINE ALLIED SERVICES LIMITED AND ORS Respondents
Through : Ms Gunjan Sinha Jain

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **09.08.2016**

This petition is concerned with the notice inviting tender dated 05.02.2016 issued by respondent No. 1 for supply of manpower (utility hands/security guards and drivers) at Delhi. The last date of submissions of bids was 26.02.2016. The petitioner participated in the subject tender as did respondent No.3. The petitioner as well as respondent No.3, amongst others, qualified at the technical stage and after the opening of the price bids, respondent No.3 was found to be L-1. The petitioner was L-3.

The grievance of the petitioner is that respondent No. 3 did not have any licence under the Private Security Agencies (Regulation) Act, 2005 which is the mandatory requirement under Section 4 thereof. Therefore, the contract which has been awarded to respondent No. 3 on the ground that it was L-1, could not have been awarded.

The petitioner is faced with several insurmountable difficulties. The first difficulty is that even if the petitioner were to succeed in knocking out respondent No.3 as L-1, the petitioner still would not be entitled for award of the contract because in between respondent No.3 and the petitioner, there is also a bidder which was L-2, which has not been made a party in the present proceedings.

The second difficulty is that the contract has already been awarded and respondent No.3 has already deployed personnel since 01.05.2016. The third difficulty is that there is no specific condition in the tender document which requires the bidder to have a licence under the said Act on the date of the tender. It is stated by the learned counsel for the respondent No.1 that although on the date of the tender, the respondent No. 3 did not have a licence under the said Act, it now has the requisite licence issued under the said Act. Therefore, on the part of the respondent No.1 in awarding the contract to the respondent No. 3, there has been no violation of the provisions of the said Act.

In view of the foregoing, we do not find any merit in the present writ petition. The same is dismissed. There shall be no order as to costs.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

AUGUST 09, 2016
SR