

\$~39

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

+ LPA 438/2016

SUNIL YADAV

..... Appellant

Through: Mr. Som Dutt Sharma, Adv.

Versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Satyakam, ASC, GNCTD with
Mr. Naveen Jakhar, Adv. for R-1.

Ms. Avnish Ahlawat with Ms. Latika Chaudhury,
Adv. for DTU.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

%

08.08.2016

CM No.28281/2016 (*exemption*)

Allowed, subject to all just exceptions.

LPA No.438/2016

1. This appeal is preferred against the order of the learned Single Judge dated 30.05.2016 in W.P.(C) No.4983/2016. The unsuccessful petitioner is the appellant before us.
2. We have heard the learned counsel for both the parties.
3. The appellant/writ petitioner who claims to be a contractor with sufficient experience in running the Canteens/Mess in various organizations in Delhi filed W.P.(C) No.4983/2016 alleging irregularities in the procedure being followed by the respondent No.2/Delhi Technical University in operating Group A, B and C category Mess in the University campus and seeking a direction to the University to follow a transparent procedure by inviting tenders for running the Mess. The learned Single Judge dismissed

the writ petition by the order under appeal dated 30.05.2016 observing:

"It is settled law that for every official activity, a tender need not be floated. In fact, it has also been held in catena of cases that the Government may for sufficient reasons not accept the lowest bid.

In the opinion of this Court, the petitioner has no legal right to be awarded a right to run the Mess as repeated tenders have only led to submissions of very high bids and if the University and the students are satisfied with the arrangement.

Consequently, this Court cannot direct that the respondent No.2- University must issue a tender for running its Mess. Accordingly, the writ petition and the application are dismissed."

4. In view of the fact that the respondent No.2 University was earlier compelled to cancel the tenders on the ground that the bids received were on the higher side in comparison to the Mess fees being charged from the students and that the students are satisfied with the arrangement now being followed by the University, we are of the view that the learned Single Judge had rightly declined to compel the University to float tenders for running its Mess. The order under appeal, therefore, cannot be held to have suffered from any legal infirmity warranting interference by us.

5. The appeal is, accordingly, dismissed.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

AUGUST 08, 2016

kks/'anb'