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

+ **W.P.(C) 7867/2016**

AFSANA

..... Petitioner

Through : Mr Roshan Lal Goel and Ms Anju
Gupta, Advocates.

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

Through : Mr Gautam Narayan, Mr R.A.Iyer,
Advocates with Mr Prem Mishra,
L.A.(DTIDC).

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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06.09.2016

C.M. No.32571/2016(exemption)

Allowed, subject to all just exceptions.

W.P.(C) 7867/2016 & CM Nos.32570/2016(direction), 32569/2016(stay)

The petitioner seeks a mandamus directing the respondents to allot any similar/same size shop No.41,43,47, Departure Block, Ground Floor, ISBT Kashmere Gate, Delhi, or to allot any other space/site of similar size 108.18 sq.feet (size of shop No.42) at Departure Block, Ground Floor, ISBT Kashmere Gate, Delhi on the bid amount/ licence fee of Rs.1,17,786/- per month .

It is contended that the petitioner was earlier allotted shop No.42 in an open tender.

Learned counsel for the respondent submits that bids had been invited for all shops at ISBT Kashmere Gate. The petitioner had participated in the tender and submitted a bid for shop No.42 in an open tender. It is submitted that in the Notice Inviting Tender, it was clarified that the allotment of shop No.42 shall be subject to decision of this Court in W.P.(C) No.5068/2013 titled **Pooran Singh Jina versus Government of NCT of Delhi**. It is submitted that the said writ petition has been disposed of and the petitioner therein has been granted a licence of the shop No. 42 and accordingly the shop is not available for allotment to the petitioner herein.

Since the Notice Inviting Tender had categorically made the allotment/bid subject to the outcome of the writ petition, no rights have flown in favour of the petitioner and the bid of the petitioner has not been finally accepted. No relief can be granted to the petitioner in respect of the said shop No. 42. Since no rights had accrued in favour of the petitioner, the petitioner cannot seek to claim allotment of any other shop/space in the alternative.

Further, with regard to shop No.41, 43, 47, allotment of one of which are being claimed in the present petition, it is contended by the respondents that a fresh tender is being invited, which will be floated within two weeks and the petitioner is free to participate in the said tender. It is further submitted that the amount deposited by the petitioner towards the first tender has already been processed for refund and the same shall be refunded within

one week from today.

As the petitioner is not at fault in not getting allotment of shop No. 42, the respondents may consider the grant of reasonable interest to the petitioner, in accordance with the rules.

The writ petition is accordingly disposed of.

SANJEEV SACHDEVA, J

SEPTEMBER 06, 2016

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