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

+ **W.P.(C) 9267/2016**

M/S ONNYX ELECTRONICS

..... Petitioner

Through **Mr. K.V. Sreemithun, Advocate.**

versus

STATE OF NCT AND ORS

..... Respondents

Through **Mr. Peeyoosh Kalra, ASC (Civil)**
with **Mr. Shiva Sharma, Advocate for**
respondent Nos.1, 4 and 5.
Mr. Brajesh Kumar, Advocate for
respondent No.3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **18.10.2016**

CM No.37426/2016 (exemption)

Exemption is allowed subject to all just exceptions.

W.P.(C) 9267/2016 & CM No.37427/2016 (stay)

The petitioner, by the present petition, seeks a direction to respondent No.4 – Commissioner of Police to blacklist/debar respondent No.2 – Delhi Integrated Multi-Model Transit System Ltd. (DIMTS). It is contended that the said respondent No.2 had furnished incorrect information and had claimed to be a consortium partner of the petitioner when it was not. Further, mandamus is sought directing the respondent No.4 to ensure that the eligibility criteria of the tender is complied by all the successful firms.

Learned counsel for the respondent Nos.1, 4 and 5, who

appears on advance notice, submits that no relief can be granted to the petitioner in the present petition inasmuch as the respondent No.2 has already been disqualified from the tender by order dated 14.07.2016 as it did not fulfil the eligibility criteria and further a show cause notice had been issued on 29.07.2016 to the respondent No.2 to show cause as to why necessary punitive action, as per Clause No.34 Chapter 2 of the Tender Terms and Conditions, be not taken. He submits that the proceedings on the show cause notice are pending. Learned counsel for the respondents has produced the original file to show the action proposed by the said respondent.

In view of the statement of the learned counsel for the respondent Nos.1, 4 and 5, learned counsel for the petitioner seeks leave to withdraw the petition.

The writ petition is, accordingly, dismissed as withdrawn.

SANJEEV SACHDEVA, J

OCTOBER 18, 2016
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