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

+ W.P.(C) 10153/2015 and CM Nos. 25005/2015, 28078/2015 & 5485/2016

M/S LIFE LINE SERVICES

..... Petitioner

Through: Mr Amit Gupta, Mr Anant A. Pavgi and
Ms Mansi Kukreja

versus

DELHI DEVELOPMENT AUTHORITY & ANR

..... Respondents

Through: Mr Rajiv Bansal with Mr Shlok Chandra and
Ms Arpita for DDA

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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26.02.2016

This writ petition is in respect of the short tender notice bearing No. 13/EE/SED-11/DDA/2015-16 for maintenance of completed scheme Finishing & Furnishing including Toilet Cleaning, etc., complete at Vikas Sadan. The work was to be for 12 months. The petitioner was one of the bidders and the bids were opened on 06.10.2015. The petitioner was disqualified on technical grounds and, therefore, the petitioner's financial bid was not opened. In fact only one bidder had qualified at the technical stage, whose financial bid was opened. The petition had been filed by the petitioner after the opening of the financial bid and at that stage the petitioner claimed that it had been wrongly disqualified at the technical stage and that the petitioner's financial bid also ought to have been opened. At that point of time we had passed an interim order directing the respondents not to award the contract till further directions from this court.

In the intervening period, the respondents have examined the matter and have now filed an application being CM Mo. 5485/2016 in which they have enclosed the decision

of the Chief Engineer, DDA taken on 02.02.2016 which reads as under:-

“DELHI DEVELOPMENT AUTHORITY
OFFICE OF THE CHIEF ENGINEER (SOUTH ZONE)
AGVC, Shahpur Jat, New Delhi -110049
Ph. Nos.26490865 & 26490818

No. CE(SZ) 12(54)/6/VS/526

Dated: 02.02.2016

In addition to the report already submitted it is to state that:-

1. In order to have better performance and accountability in housing keeping work DDA is in process of preparing the composite tender documents for housing keeping of all DDA main offices and Sport Complexes which includes Vikas Sadan Building also. Suggestions on best practices are invited from Experts/Agencies dealing in above field to frame a tender document. For which a meeting is proposed to be held on 10.02.16 at Vikas Sadan. After receipt of suggestions, the tenders documents shall be prepared considering the suggestions of the Expert/Agencies of the repute. (Copy of press note is enclosed).
2. In order to bring the accountability in the performance of contract in respect of outsources activities in the Engineering Department which includes the office maintenance, certain conditions are suggested vide office order No.EM.1(10)/2016/DDA/115 dated 18.01.2016 as per which "Based on real-time feedback from general public as well as administrative staff of DDA, as and when deficiency of any services is notices, the same will be intimated to the Agency / Contractor for rectification. In case there is no improvement/rectification within the prescribed time period from the time of intimation including notice period, if any, proportionate deduction as approved by the Competent Authority, shall be affected from the Agency/Contractor as per mutual agreement". Hence in the proposed Tender Documents such conditions and other conditions which leads to the improvement in performance shall be incorporated in the tender documents to be framed.
3. For the time being in the Vikas Sadan till composite tenders are finalized the work of House Keeping shall be done by departmental means by engaging labour and taking supply/procurement of materials as required.

In view of above submission it is requested that the tender may be allowed to be withdrawn.

RAMESH KUMAR
CHIEF ENGINEER (SZ)

Shri Rajiv Bansal
Standing Counsel, DDA”

From the above decision it is clear that the DDA has decided not to award any Housekeeping contract for the Vikas Sadan building and it has also been decided that the same shall be done internally by its own staff / labour. It has also been decided that there would be a composite tender for housekeeping of all DDA main offices and sport complexes which could include the Vikas Sadan building. That would, however, take some time and in all likelihood would be notified by September 2016.

In these circumstances, without going into the issue raised by the petitioner with regard to his alleged wrongful disqualification, we are disposing of this writ petition. The issue of the petitioner’s alleged wrongful disqualification is kept open.

Consequently, the writ petition stands disposed of in view of the withdrawal of the tender.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

FEBRUARY 26, 2016
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