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

+ **W.P.(C) 7094/2014**

M/S. WELL PROTECT MANPOWER SERVICES PRIVATE
LIMITED

..... Petitioner

Through: Mr. Tarkeshwar Nath and Mr. Saurabh
Kumar Tuteja, Advocates.

Versus

GOVT. OF NCT OF DELHI & OTHERS

.... Respondents

Through: Mr. Satyakam, ASC for Govt. of NCT of
Delhi.

+ **W.P.(C) 7134/2014**

M/S. WELL PROTECT MANPOWER SERVICES PRIVATE
LIMITED

..... Petitioner

Through: Mr. Tarkeshwar Nath and Mr. Saurabh
Kumar Tuteja, Advocates.

Versus

GOVT. OF NCT OF DELHI & OTHERS

..... Respondents

Through : Mr. Satyakam, ASC for Govt. of NCT
of Delhi.

+ **W.P.(C) 8109/2014**

M/S. WELL PROTECT MANPOWER SERVICES PRIVATE
LIMITED

..... Petitioner

Through: Mr. D K Sharma, Mr. Sunil Kumar
Mittal, Mr. Kartikay Sharma, Mr. Abhinav Sharma
and Mr. Neeraj Sharma, Advocates.

Versus

NORTH DELHI MUNICIPAL CORPORATION &
ANOTHER

..... Respondents

Through : Mr. Parvinder Chauhan with Mr. Vishal
Chauhan and Mr. Nitin Jain, Advocates for
NDMC.

Mr. Rajesh Gogna and Ms. Vipra Bhardwaj,

Advocates for MIT2C.

+ **W.P.(C) 8543/2014**

GAURAV ENTERPRISES

..... Petitioner

Through: Through: Mr. D K Sharma, Mr. Sunil Kumar Mittal, Mr. Kartikay Sharma, Mr. Abhinav Sharma and Mr. Neeraj Sharma, Advocates.

versus

**EAST DELHI MUNICIPAL CORPORATION &
ANOTHER**

..... Respondents

Through :Mr. Pravesh Thakur, Advocate for
Respondent no.1.

Mr. Rajesh Gogna and Ms. Vipra Bhardwaj,
Advocates for MIT2C.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

13.10.2017

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A Division Bench vide order dated 13th January, 2016, doubting the correctness of decision in *MIT2C Security and Facilities Private Limited versus Government of NCT & Others*, 2013 (205) DLT 288, had made reference of the following question of law to the Full Bench:-

“Whether an employer quoting a rate inclusive of provident fund contribution that complies with the statutory requirement but is not based on the minimum wage can be said to have submitted a bid that is non-responsive?”

2. The aforesaid question of law had arisen in the context of minimum wage in Delhi being Rs.8086/-, whereas the statutory requirement under the

Employees Provident Fund Act towards employer's contribution was restricted to 13.61% on wage of Rs.6,500/- per month.

3. Counsel for the parties submit that the question raised has become of academic interest for two reasons. Firstly, the contract term has expired. Secondly, vide notification dated 22nd August, 2014, figure of Rs.6,500/- in the Employees Provident Fund Act was increased to Rs.15,000/- with effect from 1st September, 2014.

4. Counsel for the writ petitioners submit that there has been subsequent increase in minimum wage in Delhi too.

5. It is deemed appropriate to dispose of the reference:-

A. By leaving it open to the Government of NCT of Delhi as well as the municipal corporations to take note of the controversy and if deemed appropriate, amend and modify the terms and conditions of tender.

B. Granting liberty to the parties to, if question of law arises in future, seek revival of the present reference by moving an appropriate application.

SANJIV KHANNA, J.

RAJIV SAHAI ENDLAW, J.

ASHUTOSH KUMAR, J.

OCTOBER 13, 2017/NA