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

+ **WP(C) No.5344/2017**

M/S AYUB ALI & SONS & ANR. Petitioners
Through Mr. Deepak Tyagi and Mr. K.K.
Gautam, Advs.

versus

UNION OF INDIA & ORS. Respondents
Through Mr. Anil Soni, CGSC for R-1 to R-4.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **19.06.2017**

CM No.22623/2017 (exemption)

Exemption allowed, subject to just exceptions.

Application stands disposed off accordingly.

WP(C) No. 5344/2017 & CM No.22622/2017 (stay)

1. The petitioners impugn NIT issued by respondent nos.3 and 4 with regard to :

A. Structural Rehabilitation, Repairs, Strengthening and Retrofitting works at National Medical Library at Ansari Nagar, New Delhi; and,

B. Renovation & Upgradation of electrical works at National Library, Ansari Nagar, New Delhi.

2. It is contended by the learned counsel for the petitioner that

bids have been invited for the above referred work from Specialized Agency.

3. Learned counsel for the petitioner submits that the term Specialized Agency has not been denied in the NIT.

4. As per the eligibility criteria, Specialized Agency, who had *inter alia* carried out the work of Structural Rehabilitation, Repairs, Strengthening and Retrofitting are entitled to participate, subject to fulfilment of other conditions.

5. Learned Counsel for the petitioner submits that the petitioner duly satisfies the eligibility criteria and has executed work of the nature, for which bids has been invited.

6. Learned counsel for the petitioner submits that the petitioner had been informed that since the petitioner is not termed as a Specialized Agency, the petitioner is not likely to be considered.

7. Learned Counsel for the petitioner submits that as there is no definition of “Specialized Agency”, the requirement of the tender is that the petitioner should have carried out similar work to the work, for which bids have been invited.

8. Learned counsel for the respondents submits that the tender would be evaluated by the Tender Evaluation Committee and in case the petitioner satisfies the eligibility criteria of having executed the work of similar nature, as required by the tender, the petitioners may qualify.

9. Since the petitioner claims to satisfy the eligibility criteria and claims to have executed works of similar nature, for which bids have been invited, the Technical Evaluation Committee shall consider the

bid of the petitioner and in case, the petitioner satisfies the eligibility criteria, as stipulated in the NIT, bid of the petitioner would be considered.

10. Petition is disposed off accordingly.

11. *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J
(Vacation Judge)

A. K. CHAWLA, J
(Vacation Judge)

JUNE 19, 2017
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