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

+ W.P.(C) 5773/2017 and CM No. 24102/2017 (stay)

GRASIM INDUSTRIES LIMITED

..... Petitioner

Through Mr. Ashish Prasad, Mr. Mehfooz
Nazki and Mr. Rohit Sharma, Advs.

versus

DELHI JAL BOARD AND ANR

..... Respondents

Through Mr. Sumeet Pushkarna, Standing
Counsel and Ms. Kanika Srivastava,
Adv. with Mr. Hyogesh Kumar (JE)
for R-1.

Mr. Swetank Shantanu, Mr. Pratap
Shankar and Ms. A Shivani, Advs. for
R-2.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **31.07.2017**

Reply affidavit on behalf of respondent no.1 and counter
affidavit on behalf of respondent no. 2 are filed.

In the petition, the petitioner has prayed as under :

- (i) **Pass a Writ, Order or Direction in the nature of mandamus commanding the Respondent No.1 herein to issue a tender for purchase of PAC for the year 2017-18 and for all future years;**
- (ii) **Pass a Writ, Order or Direction in the nature of certiorari quashing any Agreement/Memorandum of Understanding which may have been executed by the RespondentNo.1 in favour of the Respondent No.2; and,**
- (iii) **Pass such further and other reliefs, as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case.**

In the short reply/affidavit of the respondent no.1-Delhi Jal

Board, it is stated, as under :

“11. Without prejudice to the submissions made above it is most respectfully that in the humble submissions of the petitioner the nomination of a PSU in this innovative project ought to be allowed in the larger interests of the Delhi Jal Board in expanding its infrastructure and becoming more self-reliant. However, without prejudice to the same and keeping the overall facts of the case in mind and points raised in the present petition, by way of abundant caution and the answering respondent has reconsidered the matter so as to invite to enable the lowest price offer for the same work/proposal.

This invitation of proposal would largely be based on the ‘Swiss Challenge Method’ of bidding where the answering respondent will make a public offer on similar lines/proposal, and in case a better priced proposal is received, it will give the better offer to the respondent no.2 to either match that or quit.

In principle agreement of respondent no.2 to the said decision has also been taken to this idea and respondent number 2 has indicated confidence in the prices and proposal given by it to be the best.

12. Thus, it is prayed that the present petition be disposed off in above terms to allow the Respondent no.1, to make an offer/proposal to the petitioner and others who may be interested after the appropriate Advertisement of respondent Board.”

Adverting to the above-said depositions, Mr. Pushkarna, Id. Standing Counsel submits that in pursuance of the above-said undertaking by way of affidavit filed before this Court, the NIT would be floated within four weeks from today, and, the petitioner would be at liberty to participate. Respondent no.1 shall remain bound by such statement. In view thereof, nothing survives in the petition and is disposed off accordingly.

A. K. CHAWLA, J

JULY 31, 2017/rc